

FILED
YAMHILL COUNTY, OREGON
DEC 8 2 09 PM '82
CHAS. STEPHEN
COUNTY CLERK
Chas. Stephen DEPUTY

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON
82-555 FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of the Adoption of)
an Ordinance Establishing Compre-)
hensive Zoning Regulations for)
Yamhill County and Providing for)
Administration, Enforcement,)
Penalties and Amendment thereof)
in Accordance with the Provisions)
of ORS Chapter 197, and 215; and)
Repealing Ordinance Nos. 69, 72,)
83, 102, 111, 135, 138, 156, 203,)
204, 257, 287, 293, 298 and 302,)
and Repealing "Exhibit B" of)
Ordinance No. 233.)

ORDINANCE NO. 310

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, (the Board) on the 1st day of December, 1982, sat for the transaction of County business in regular session, Commissioners Ted Lopuszynski, Robin J. Hamblet and Colin Armstrong being present.

WHEREAS, ORS Chapter 197 and 215 provide and authorize Yamhill County to adopt a Comprehensive Plan in compliance with the Statewide Goals and Guidelines and to enact zoning regulations to implement said Plan; and

WHEREAS, Yamhill County adopted on September 25, 1975, a Comprehensive Plan, which Comprehensive Plan, as amended, was acknowledged by the Land Conservation and Development Commission as complying with the Statewide Goals and Guidelines on June 5, 1980; and

WHEREAS, on the 11th day of February, 1976, Yamhill County adopted Zoning Ordinance No. 83, setting forth comprehensive zoning regulations for Yamhill County, which Ordinance as amended was acknowledged on June 5, 1980, as implementing an acknowledged Comprehensive Plan; and

WHEREAS, Yamhill County Ordinance No. 83 has been amended numerous times, and which has resulted in a series of documents which are difficult to understand, and has resulted in continual cross-references to amending Ordinances in order to determine the actual zoning regulations in existence in Yamhill County; and

WHEREAS, said Ordinance No. 83, with its amendments, has been re-written for the purpose of increasing its readability, and placing all the appropriate zoning regulations within one document; and

WHEREAS, said document is attached hereto as Exhibit "A" and incorporates all the zoning regulations of Yamhill County into one unified Ordinance, which Ordinance was reviewed and considered by the various Planning Advisory Committees, and Planning Commission on the 1st, 7th and 19th days of July, 1982 and on the 16th day of August, 1982, which Planning Commission recommended approval to the Board of Commissioners; and

WHEREAS, the Board of Commissioners for the County of Yamhill, held a public hearing on the 29th day of September, 1982, the 20th day of October, 1982, and 3rd and 24th days of November, 1982, at which consideration of Exhibit "A" was undertaken; and

WHEREAS, the Board of Commissioners have determined that the adoption of Exhibit "A" as the unified Ordinance for Yamhill County would be in the best interests of the citizens of Yamhill County; NOW THEREFORE

IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF YAMHILL, as follows:

Section 1.

That Exhibit "A" attached hereto and by this reference incorporated herein shall constitute the comprehensive Zoning Ordinance and regulations for Yamhill County, and by this Ordinance is hereby adopted and enacted.

Section 2.

That Yamhill County Zoning Ordinances No.69, 72, 83, 102, 111, 135, 138, 156, 203, 204, 257, 287, 293, 298, 302 and "Exhibit B" of Ordinance 233 are hereby repealed.

Section 3.

Any and all applications for discretionary permits pending at the time of the adoption of this Ordinance shall be treated as if such applications were made under this Ordinance, and shall be processed accordingly.

Section 4.

Notwithstanding any other provisions of Exhibit "A", all applications for partitioning with the AF-20, EF-40, and F-40 zone districts as set forth in Exhibit "A" shall not be approved until the applicant has demonstrated compliance with Sections 402.06(C) and 403.06(C), whichever is applicable, of Exhibit "A".

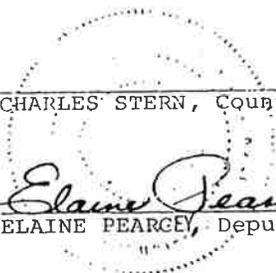
Section 5.

This Ordinance, being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall become effective on the passage hereof.

DONE and dated this 1st day of December , 1982.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS



CHARLES STERN, County Clerk

Elaine Pearcey
ELAINE PEARCEY, Deputy

Ted Lopuszynski
Chairman, TED LOPUSZYNSKI

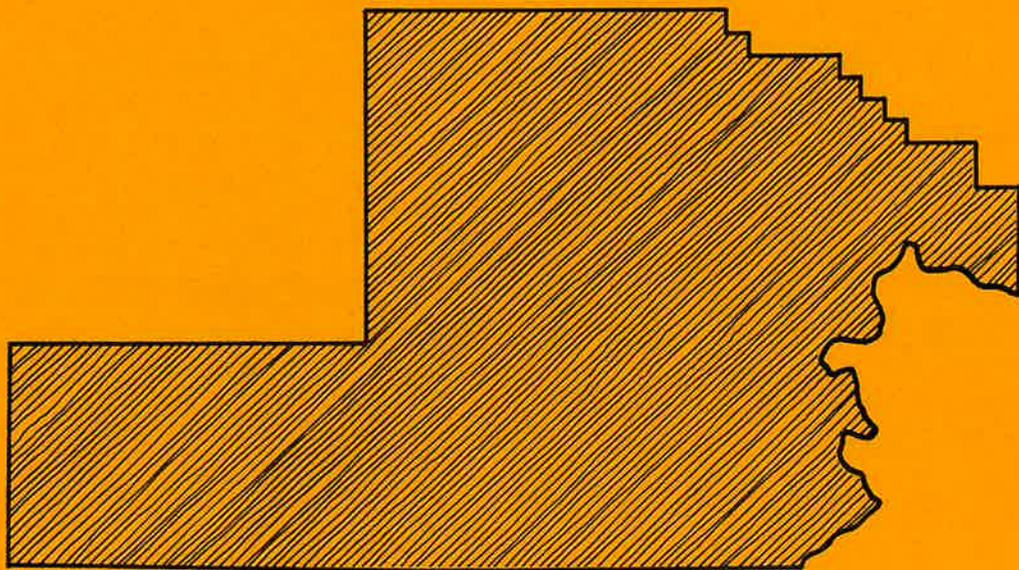
Robin J. Hamblet
Commissioner, ROBIN J. HAMBLET

Colin Armstrong
Commissioner, COLIN ARMSTRONG

APPROVED AS TO FORM BY:

GARY S. GARRETTSON
Yamhill County Counsel

ZONING ORDINANCE



YAMHILL COUNTY, OREGON

ORDINANCE # 310, December 1982

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SECTION 100
INTRODUCTORY PROVISIONS

101. TITLE

This Ordinance and any amendments hereto shall be known and may be cited or pleaded as the Yamhill County Zoning Ordinance, No. 310, 1982.

102. AUTHORIZATION AND APPLICATION

This Ordinance is hereby enacted for all that area of Yamhill County subject to County jurisdiction under the provisions of ORS 215.130 and subsequent amendments of the Oregon Revised Statutes.

103. PURPOSE AND SCOPE

103.01 This Ordinance is enacted to promote the public health, safety and general welfare and to implement the goals and policies of the Yamhill County Comprehensive Plan 1974, Ordinance No. 62 1974 as amended.

103.02 **Conformance Required.**

No land shall be used, and no building or structure, or part thereof, shall be erected, constructed, reconstructed, located, moved, extended, enlarged, structurally altered, or used or occupied except in conformity with this Ordinance.

103.03 **Violations.**

It shall be unlawful for any person to violate any provision of this Ordinance, to permit or maintain any such violation, to refuse to obey any provision hereof, or to fail or refuse to comply with any such provision except as variation may be allowed under this Ordinance. Violations of this Ordinance shall be prosecuted and penalties assessed pursuant to Section 1406 of this Ordinance.

103.04 **Interpretation.**

The provisions of this Ordinance shall be held to be minimum requirements. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the more restrictive or that imposing the higher standards shall govern.

103.05 Severability.

If any section, sentence, clause or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance. Each section, sentence, clause and phrase hereof is declared severable.

103.06 Repeal of Previous Zoning Ordinance.

The Yamhill County Zoning Ordinance, Ordinance No. 83, 1976 enacted on the 11th day of February, 1976, and amendments thereto, and the Yamhill County Flood Hazard District Ordinance, Ordinance No. 69, 1975 enacted on the 9th day of July, 1975, are repealed. Any reference to Ordinance No. 83, as amended, shall be reference to the appropriate provisions of this Ordinance. All ordinances hereby repealed shall allow application of remedies or punishment of a person for an act done or committed prior to the date of adoption of this Ordinance and in violation of an ordinance hereby repealed.

SECTION 200

DEFINITIONS AND RULES OF CONSTRUCTION

2

201.

RULES OF CONSTRUCTION

201.01 Interpretations.

For the purposes of this Ordinance, all words, terms and expressions contained herein shall be interpreted in accordance with the following rules of construction, unless the context requires otherwise:

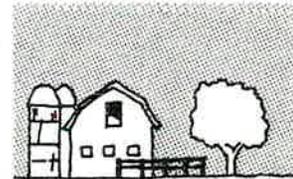
- A. The particular controls the general;
- B. The word "shall" is mandatory, the word "may" is permissive;
- C. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;
- D. The words "used for" or "occupied for" include the words "intended for," "designed for," "arranged to be used for," "erected for," "constructed for," "reconstructed for," "repaired for," "moved for," "structurally altered for" or "extended for the purpose of;"
- E. The word "person" includes a "firm," "association," "organization," "partnership," "trust," "company" or "corporation" as well as an "individual;" and
- F. Any word or term not defined herein shall be used with a meaning of common standard use. Any words, terms or phrases, not defined herein, shall be construed according to their common, ordinary and accepted meaning.

DEFINITIONS

ABANDONMENT OF SURFACE MINING: A cessation of surface mining operation for more than five (5) consecutive years when the cessation is not part of an approved Department of Geology and Mineral Industries permit.

ACCESS: A means of egress and ingress for pedestrians and vehicles to the parcel to which access is required.

ACCESSORY STRUCTURE: A structure or building, the use of which is incidental and secondary to the principal structure or building on the same parcel.



ACCESSORY USE: A permitted use which is incidental and secondary to the principal use on the same parcel.

AIRCRAFT LANDING FIELD: Any area of land or water used for the landing and take-off of aircraft, and any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. Airport buildings include buildings used for maintenance, service or repair of aircraft.

AUTOMOBILE SERVICE STATION: A use which provides for the retail sale of motor fuels, lubricating oils and vehicle accessories and includes the servicing and repair of motor vehicles as an accessory use, but excludes all other sales and services except the sale of minor convenience goods for service station customers as accessory and incidental to the principal operation. Uses permitted at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, tire recapping, storage of motor vehicles not in operating condition, or other work generating noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations. An automobile service station is not a repair garage nor a body shop.

AUTOMOBILE REPAIR GARAGE: A use which provides for the repair and maintenance of motor vehicles, and includes any mechanical and body work,

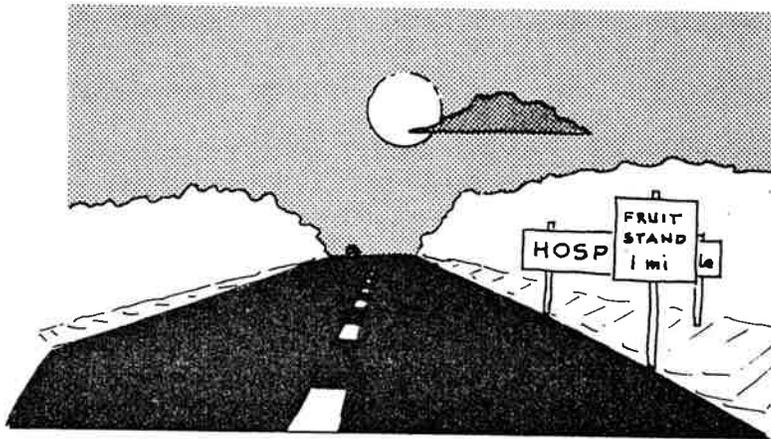
straightening of body parts, painting, welding or storage of motor vehicles not in operating condition.

AUTOMOBILE WRECKING YARD: Any area of land used for the storage, wrecking, dismantling, disassembling or sale of inoperable motor vehicles, trailers or farm equipment, or parts thereof, where such vehicles, trailers, equipment or parts are stored in the open and are not being restored to operating condition and, includes any land used for the commercial salvaging of any other goods, articles or merchandise.

BASEMENT: A portion of a building which has more than one (1) foot but not more than one-half (1/2) of its height measured from finished floor to finished ceiling above the average grade of the ground.

BILLBOARD: A pre-existing off-premise sign or sign assemblage maintained as advertising rental space by a business enterprise.

BLANKETING: The visual blocking of one sign by another as seen by a motorist traveling a road or highway.



BOARD: The Yamhill County Board of Commissioners.

BOARDING, LODGING OR ROOMING HOUSE: A building or buildings where lodging with or without meals is provided for compensation for not less than five (5) persons in addition to members of the family occupying such building or buildings.

BOARDING OF HORSES FOR PROFIT: The keeping, breeding, rehabilitation, feeding, training and management of horses for another for pecuniary gain.

BUILDING: A roofed and walled structure of a permanent or temporary use, including tents.

BUILDING INSPECTOR: The Yamhill County Building Official or his/her duly authorized representative.

CLERK: The Yamhill County Clerk or his/her duly authorized representative.

CLINIC: A place used for the care, diagnosis or treatment of sick, ailing, infirm or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises.

CLUB OR LODGE: A building and/or facilities owned and operated for a social, educational, or recreational, scientific, benevolent or charitable purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public or private kindergarten, school, college or research institution, day-care or rehabilitation facility of any kind.

COMMISSION: The Yamhill County Planning Commission.

COMPREHENSIVE PLAN: The generalized, coordinated land-use map and policy statement adopted by County Ordinance No. 62 and all subsequent amendments thereto that covers all unincorporated land in Yamhill County and addresses all functional and natural activities and systems in said unincorporated land. "Land" includes water, both surface and subsurface, and the air. "Coordinated" means the needs of all government, semi-public and private agencies, and the citizens of Yamhill County have been considered and accommodated to the greatest extent possible. "Functional and natural activities and systems" include, but are not limited to, sewer and water systems, transportation systems, educational facilities, natural resources and air- and water-quality management programs and other topics of local importance.

COMMUNITY WATER-SUPPLY SYSTEM: A public or private system of distribution pipes providing a continuous supply of potable water from a central source in quantities sufficient to meet domestic

and fire-protection needs for three (3) or more dwelling units as approved by the Public Health Engineering Branch, Health Division, Oregon Department of Human Resources.

COMMUNITY SANITARY-SEWER SYSTEM: A public or private system of pipes of sufficient capacity to carry domestic sewage from an area to connected treatment and disposal facilities, as approved by the Oregon Department of Environmental Quality, and which will serve more than one (1) parcel or more than one (1) dwelling unit in a duplex or multi-family dwelling or more than one (1) dwelling unit of a planned unit development

CONDITIONAL USE: A use not permitted outright in a zoning district but which may be allowed by a conditional use permit, subject to review for compliance with Section 1202 and any other applicable provisions of this Ordinance.

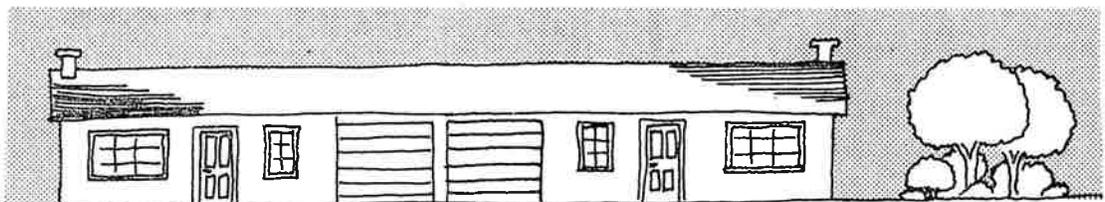
COUNTY: The unincorporated area of Yamhill County, Oregon.

DIRECTOR: The Yamhill County Planning Director or his/her duly authorized representative.

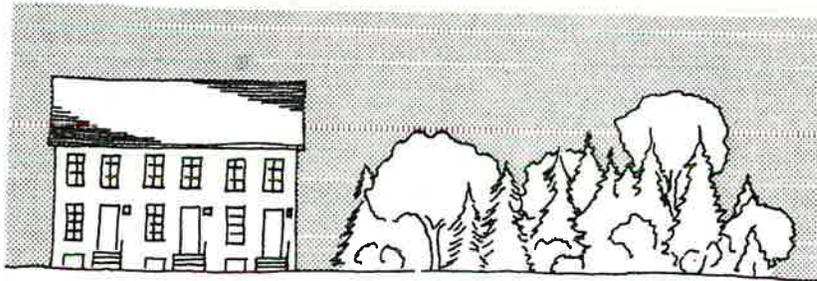
DWELLING: A building containing one (1) dwelling unit designed for and occupied by one (1) family only. The term dwelling includes a mobile home but does not include a hotel, motel, travel trailer, boarding, lodging or rooming house, private hospital, rest home or nursing home or other accommodations used for transient occupancy.



DWELLING, DUPLEX: A building containing two (2) dwelling units, designed for and occupied by not more than two (2) families.



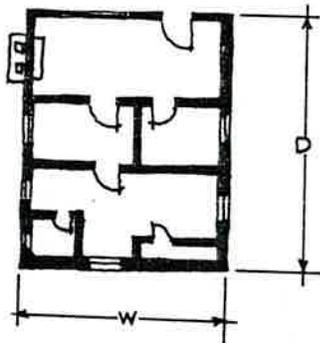
DWELLING, MULTI-FAMILY: A building containing three (3) or more dwelling units, designed and occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units.



DWELLING UNIT: One (1) room or rooms connected together, constituting a separate, independent housekeeping establishment designed and used for occupancy by one (1) family, and owned, or rented or leased on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

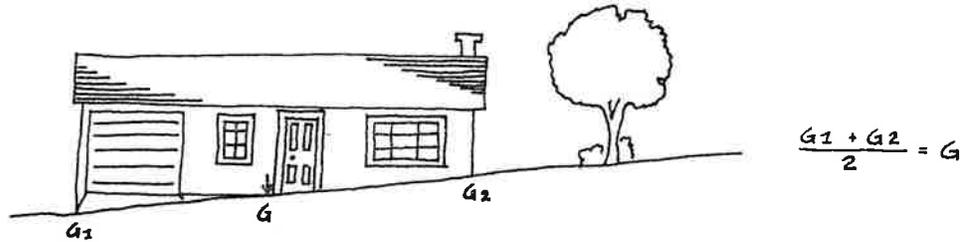
FAMILY: One or more persons related by blood, marriage, legal adoption or legal guardianship plus not more than five (5) additional persons, including foster and shelter care persons, or, up to five (5) unrelated persons, all living together as a single housekeeping unit in a dwelling unit. Every additional group of five (5) or less persons living in such housekeeping unit is considered a separate family.

FLOOR AREA: The sum of the areas of each story of a building measured between the exterior walls of such building, but excluding garages and attic space providing headroom of less than seven feet.



Depth x Width

GRADE: The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.



GUEST HOUSE: A secondary dwelling intended to accommodate non-paying guests on a temporary or seasonal basis only.

HEARINGS OFFICER: The Yamhill County Hearings Officer.

HEIGHT: The vertical distance from the finished grade to the highest point of the structure.



HOSPITAL, PRIVATE: A use which provides for the care of the sick, ailing, infirm, injured or aged other than in a public hospital, and includes convalescent homes and nursing homes.

KENNEL: A use which provides for the accommodation of four (4) or more dogs, cats or other household pets at least four (4) months of age, where such animals are kept for board, propagation, training or sale.

LIVESTOCK: Domestic animals of types customarily raised or kept on farms for profit or other purposes, but not including household pets.

LIVESTOCK FEEDING YARD: An enclosure or structure of 1,000 square feet or more in ground area designed or used for the concentrated feeding or fattening of livestock for marketing; or an enclosure or structure of less than 1,000 square feet in ground area designed or used for the concentrated feeding or fattening of five (5) or more head of livestock for marketing.

LIVESTOCK SALES YARD: An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

LOT: A unit of land that is created by authorized subdivision or partitioning of land or that is otherwise considered a lot of record as defined in Section 1204.

MINERAL RESOURCE: Sand, gravel, rock, stone, precious metals, oil, gas, coal, ore, soil or other earth materials.

MINERAL RESOURCE EXTRACTION: The initial removal or excavation of a mineral resource from the deposit area by mechanical techniques, including the removal of overburden and stockpiling of the raw material.

MINERAL RESOURCE PROCESSING: The blasting, crushing, washing, screening, weighing, sorting, blending or refining of mineral resources.

MINERAL RESOURCE SITE/OPERATION: A tract of land from which mineral resources are removed or excavated, stockpiled or processed for sale and intended for use off-premise as commercial or industrial products through retailing, wholesaling, contract purchase or other means. Operation does not include site preparation such as land clearing.

MOBILE HOME: A detached residential dwelling unit designed for transportation after fabrication on streets on its own wheels or on a flatbed or other trailers, and arriving at the parcel where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. A travel trailer is not to be considered as a mobile home.

MOTEL: One (1) or more attached or detached buildings containing housekeeping or sleeping units designed and used for the temporary accommodation of tourists or transients with off-street parking space for each such unit.

NONCONFORMING USE: A building, structure or use which was legally established prior to the adoption of any provision of this Ordinance with which the building, structure or use does not comply.

OFFICIAL ZONING MAP: That map and any amendments thereto adopted as part of the Yamhill County Zoning Ordinance, No. 310, 1982 as described in Section 300.

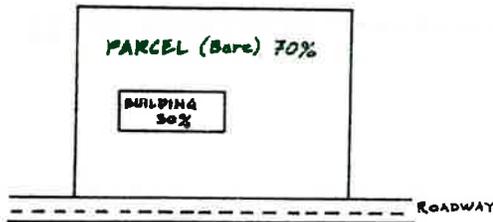
OPEN SPACE: Any land so designated by the Comprehensive Plan, or any land area, the preservation of which in its present use would:

- A. Conserve and enhance natural or scenic resources;
- B. Protect air or streams or water supply;
- C. Promote conservation of soils or wetlands;
- D. Conserve landscaped areas, such as public or private golf courses, which reduce pollution and enhance the value of abutting or neighboring property;
- E. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;
- F. Enhance recreation opportunities;
- G. Preserve historic sites;
- H. Promote orderly urban or rural development; or
- I. Retain in their natural state tracts of land, on such conditions as may be reasonably required by Yamhill County.

OWNER: An owner of land or the authorized agent of an owner.

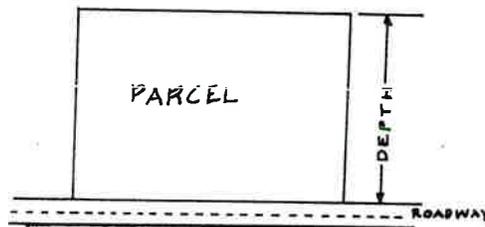
PARCEL: A unit of land that is created by authorized subdivision or partitioning of land or that is otherwise considered a lot of record as defined in Section 1204.

PARCEL COVERAGE: The area of a parcel covered by a building or buildings expressed as a percentage of the total parcel area.



PARCEL COVERAGE = 30%

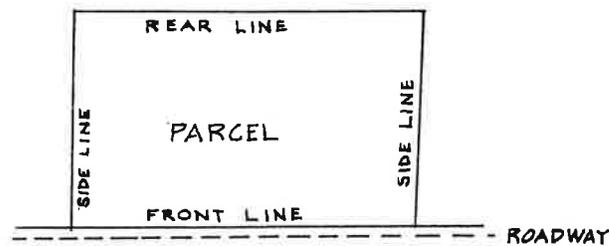
PARCEL DEPTH: The mean horizontal distance between the front parcel line and the rear parcel line of a parcel.



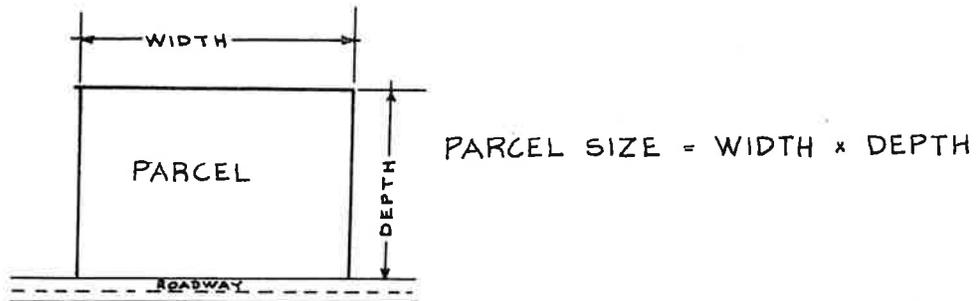
PARCEL LINE, FRONT: Any boundary line separating the parcel from a public road. Where a parcel has no frontage on a public road, the front parcel line is the line of the easement or private road which serves the parcel and which is nearest to the principal dwelling, if any.

PARCEL LINE, REAR: The boundary line or lines and most distant from the front parcel line and not intersecting a front parcel line.

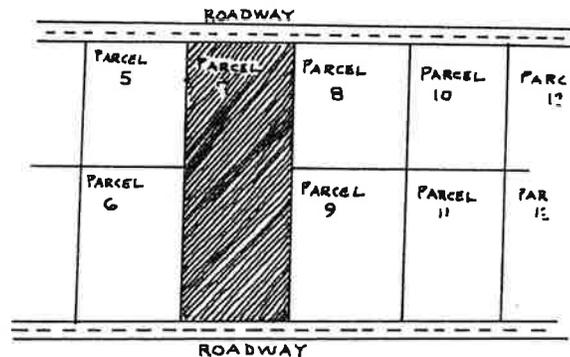
PARCEL LINE, SIDE: Any boundary line not a front or rear parcel line.



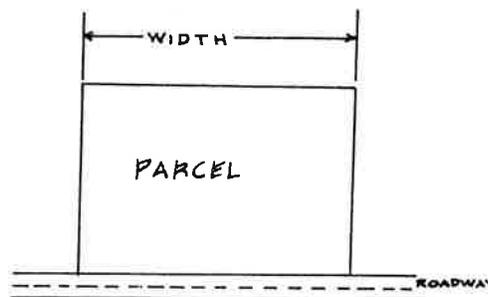
PARCEL SIZE: The total horizontal area within the parcel lines of a parcel.



PARCEL, THROUGH: A parcel, other than a corner parcel, that abuts on two (2) or more roads.



PARCEL WIDTH: The mean horizontal distance between the side parcel lines of a parcel measured within the parcel boundaries.



PARKING SPACE, OFF-STREET: A space adequate for parking one (1) automobile with room for opening doors on

both sides, together with properly related access to a road or alley and maneuvering room.

PERMITTED USE: A building, structure or use permitted outright in a zoning district, and which complies with all of the regulations applicable in that district.

PRE-EXISTING LOT OF RECORD: A lot of record as defined in Section 1204.

PRINCIPAL DWELLING: The primary dwelling on any parcel.

PRINCIPAL USE: The primary use of a parcel and includes a permitted or conditional use.

RESORT: Any area of land or water used for open-land commercial or private recreation where overnight lodging, meals and related tourist services are provided in conjunction with such recreational use.

ROAD: Any public or private access road, street, alley, highway, walkway, easement or way platted, recorded or shown on any official map, whether or not such street is actually developed or used.

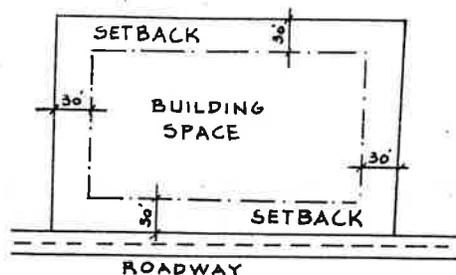
ROAD DEPARTMENT: The Yamhill County Road Department.

ROADMASTER: The Yamhill County Roadmaster or his/her authorized representative.

SANITARIAN: The Yamhill County Senior Sanitarian or his/her authorized representative.

SECONDARY DWELLING: A dwelling other than a principal dwelling.

SETBACK: The horizontal distance measured perpendicularly from the edge of right-of-way of a public road, or from a point 30 feet from the centerline of a public road, whichever is furthest, to the nearest point of any structure on any parcel.



A STRUCTURE MAY BE CONSTRUCTED ANYWHERE WITHIN THE BUILDING SPACE, LEAVING A 30' STRIP ALONG ALL EXISTING PROPERTY LINES.

(Example)

SIGN: An identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon land, or a building or structure, and which attracts the attention of, or conveys a message to any person not on the premises on which the sign is located in respect to a product, service, activity, person, institution, place or business; provided, however, that the following shall not be included in the application of the regulations herein:

- A. Signs not more than one (1) square foot in area and bearing only property numbers, postal box numbers, names of occupants of premises or other identification of premises not having commercial connotations, such as "no trespassing" or "safety zone" signs;
- B. Flags and insignia of any government, except when displayed in connection with commercial promotion;
- C. Legal notices, or identification, informational or directional signs erected or required by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights; and
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGN, FLASHING: Any illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

SIGN, ILLUMINATED: Any sign designed to give forth any artificial light or designed to reflect such light from an artificial source, and does not include a flashing sign.

SIGN, NUMBER OF: For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

SIGN, OFF-PREMISE: A sign which advertises goods, products, services, accommodations or activities which are not sold, manufactured, distributed or made available on or from the premises or facilities.

SIGN, ON-PREMISE: A sign relating in its subject matter to the premises on which it is located, or to products, services, accommodations or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry by way of outdoor displays or display space on a lease or rental basis only.

SIGN SURFACE AREA: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

STRUCTURE: Construction of any kind, permanent or temporary, fixed to, supported by or sunk into land or water, and includes buildings, fences, signs and portable devices including, but not limited to, travel trailers and stored motor vehicles.

STRUCTURAL ALTERATION: Any change to the supporting members of a building, including foundations, bearing walls or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.

SUBSTANTIAL CONSTRUCTION: Installation of a subsurface, sewage disposal system approved by the Sanitarian, or construction of the structure to an amount valued at no less than ten (10) percent of the value of the finished structure, or construction of a permanent foundation.

TRAVEL TRAILER: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet, and includes any recreational vehicle, whether or not self-propelled.

TRAVEL TRAILER PARK: A place where two (2) or more travel trailers are located within 500 feet of

one another on any parcel, the primary purpose of which is to lease or rent space or keep space for lease or rental to any person, but does not include a motel or public or private group camp.

TRAVEL TRAILER SPACE: An area in a travel trailer park used for one (1) travel trailer.

USE: The purpose for which land or a building or structure is used, designed, arranged or intended, or for which it is occupied or maintained.

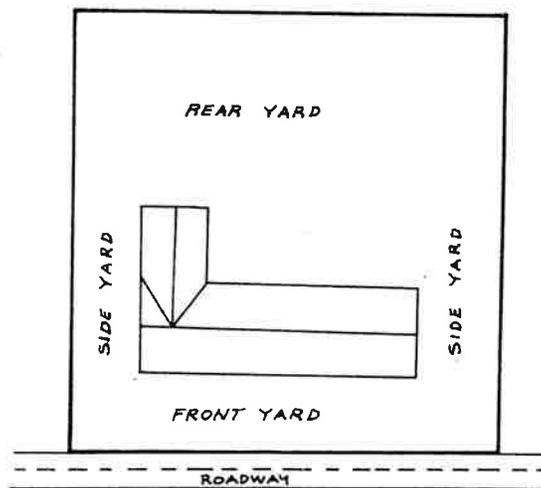
UTILITY: Any area of land or any structure used for the generation, storage, conversion or transfer of energy or for communication facilities, such as telephone, telegraph, radio or television.

YARD: A required open area unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded parcel upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT: Any yard abutting a street or lying parallel to the front parcel line.

YARD, REAR: Any yard abutting a rear parcel line.

YARD, SIDE: Any yard abutting a side parcel line.



SECTION 300

ESTABLISHMENT OF DISTRICTS

301. CLASSIFICATION OF DISTRICTS

301.01 **Districts.**

For the purposes of this Ordinance, the unincorporated area of Yamhill County, Oregon, is hereby divided into the following districts:

A. Natural Resource Districts.

| | |
|--|-------|
| Forestry District----- | F-40 |
| Exclusive Farm Use District----- | EF-40 |
| Agriculture/Forestry Large Holding District----- | AF-20 |
| Mineral Resource District----- | MR |
| Parks, Recreation, and Open Space District----- | PRO |

B. Rural Residential Districts.

| | |
|---|------------|
| Agriculture/Forestry Small Holding District----- | AF-10 |
| Very Low Density Residential 5-acre District----- | VLDR-5 |
| Very Low Density Residential 2 1/2-acre District----- | VLDR-2 1/2 |
| Very Low Density Residential 1-acre District----- | VLDR-1 |
| Low Density Residential 12,000 District----- | LDR-12,000 |
| Low Density Residential 9,000 District----- | LDR-9,000 |
| Low Density Residential 6,750 District----- | LDR-6,750 |

C. Commercial Districts.

| | |
|---------------------------------------|----|
| Recreation Commercial District----- | RC |
| Neighborhood Commercial District----- | NC |

| | | |
|----|--|------|
| | Highway/Tourist Commercial District--- | HC |
| D. | Industrial Districts. | |
| | Resource Industrial District----- | RI |
| | Light/General Industrial District---- | LI |
| | Heavy Industrial District----- | HI |
| E. | Public Facility Districts. | |
| | Public Assembly/Institutional District----- | PAI |
| | Public Works/Safety District----- | PWS |
| | Public Airports/Landing Fields District----- | PALF |
| F. | Overlay Districts. | |
| | Floodplain Overlay District----- | FP |
| | Willamette River Greenway Overlay District----- | WRG |
| | Planned-Unit Development Overlay District----- | PUD |

302. OFFICIAL ZONING MAP

302.01 **Boundaries.**

The boundaries of the zoning districts and overlay districts established by Section 301 of this Ordinance are indicated on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Chairman of the Board, attested by the County Clerk, and shall bear the seal of the County under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section 302 of the Yamhill County Zoning Ordinance, No. 310, 1982."

302.02 For the precise location of all zoning district and overlay district boundaries within the unincorporated areas of Yamhill County, reference shall be made to the Official Zoning Map.

302.03 If, in accordance with the provisions of this Ordinance, changes are made in zoning district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board or Commission. Amendments to this Ordinance which involve matter portrayed on the Official Zoning Map shall become effective upon recording in the Clerk's Office. All changes shall also be promptly and properly recorded on the Official Zoning Map.

302.04 No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under Section 1406 of this Ordinance.

302.05 Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, there shall be only one Official Zoning Map which shall be located in the office of the Director

and which shall be the final authority as to the current zoning status of any land and water areas, or buildings or structures in the County.

302.06

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board, attested by the County Clerk, and shall bear the seal of the County under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on the 1st day of February, 1976, as part of the Yamhill County Zoning Ordinance, No. 310, 1982."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior Map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendments.

303. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

303.01 Where uncertainty exists as to the boundaries of zoning districts or overlay districts, as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of roads shall be construed to follow such lines; provided however, that where the centerline of a road as built lies outside the road line, such zoning district boundary shall be deemed to follow the centerline of the road as built;
- B. Boundaries indicated as approximately following parcel lines shall be construed as following such parcel lines;
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as approximately following the centerlines of rivers, streams, reservoirs or other bodies of water shall be construed to follow the centerlines of such bodies of water;
- F. Boundaries indicated as parallel to, or extensions of, features listed in subsection 303.01(A-E) shall be construed to follow such features. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map;
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsection 303.01(A-E), the Board shall interpret the zoning boundaries subject to Section 1403;
- H. Where a zoning district boundary line divides a parcel which was in single ownership at the date of adoption of this Ordinance, the Board may permit, upon a showing of good cause by the landowner, the movement of the zoning district boundary a maximum distance of one hundred (100) feet in any direction on the parcel; and

I. Where a zoning district boundary divides a parcel which was in single ownership at the date of adoption of this Ordinance, the Board may permit readjustment of that zoning district boundary subject to Section 1403 for Board review and provided that the landowner shall demonstrate the following:

1. That the boundary readjustment is consistent with the Comprehensive Plan Map designation existing on the parcel;
2. That the boundary readjustment shall not reduce in area the predominant zoning district which exists on the subject property;
3. That the boundary readjustment shall follow existing or proposed property lines, public roads, or rivers; and
4. That the boundary readjustment shall result in a single zoning district for the existing parcel or proposed parcels.

304.

APPLICATION OF ZONING DISTRICT REGULATIONS

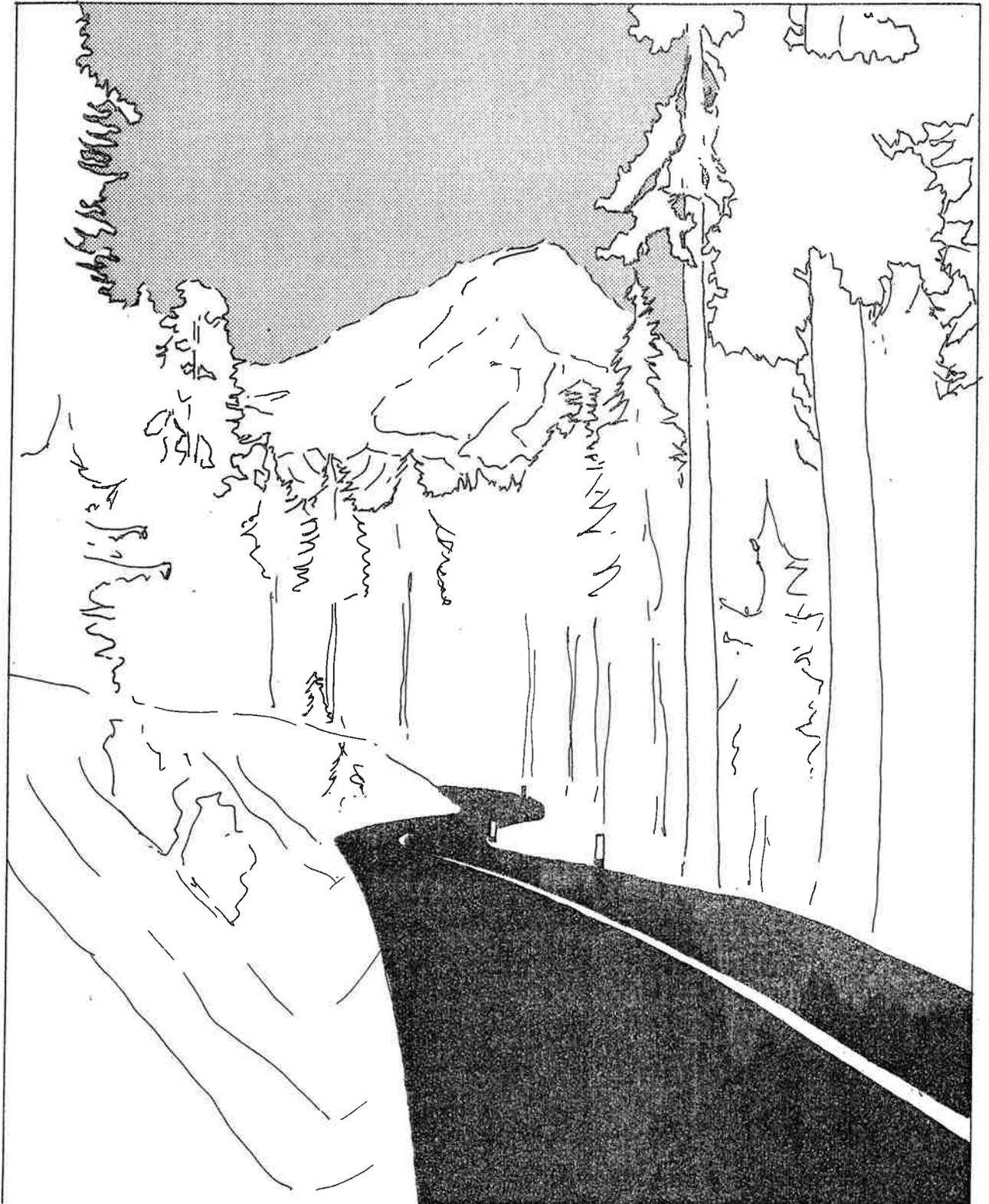
304.01

The regulations established by this Ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided;

- A. No building or other structure shall hereafter be erected or altered:
 - 1. To be greater in height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of parcel area; or
 - 4. To have narrower or smaller front yards, rear yards, side yards, or other open spaces, than specified by this Ordinance.
- B. No part of a yard, or other open space, or off-street parking or loading space required by this Ordinance in connection with any building shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- C. No yard or parcel existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or parcels created after the date of adoption of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. The zoning district regulations which apply to lands which may hereafter be annexed to any city shall continue in effect until such lands are otherwise classified, or rezoned by the jurisdiction having authority to make such changes.

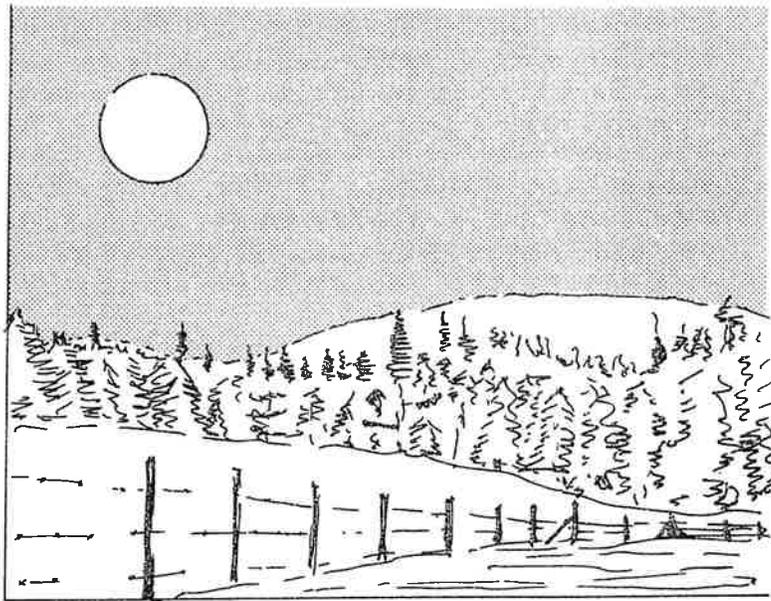
SECTION 400

NATURAL RESOURCE DISTRICTS



401.

FORESTRY DISTRICT (F-40)



401.01 Purpose.

The F-40 District is intended to designate large, generally contiguous areas identified as forest land in the Comprehensive Plan and identified as Commercial Forest on the Comprehensive Plan Map exclusively for forestry uses and uses compatible with forestry uses. The purpose of this District is to conserve and efficiently manage forest resources, thereby ensuring a sustained yield of forest products; reforestation of underproductive forest lands; protection of fish and wildlife habitat, forest soils and watershed areas; maintenance of grazing areas where appropriate; and continuation of recreational opportunities.

401.02 Permitted Uses.

In the F-40 District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 401.07:

- A. Forestry uses as follows: Any activity relating to the growing, harvesting or processing of forest tree species;

- B. Extraction, processing and stockpiling of construction aggregate for use in conjunction with forestry only, subject to the applicable standards as provided in Section 404;
- C. Temporary or seasonal dwelling for caretaker, watchman, or forest management and protection personnel only, occupied by the owner or owner's employee on a rent-free basis no more than six-months in each year, subject to satisfaction of the criteria for establishment of a dwelling in conjunction with forest uses as provided in subsection 401.06. If the temporary or seasonal dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- D. Accessory uses;
- E. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- F. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301; and
- G. Signs, pursuant to the sign provisions set forth in Section 1006.

401.03 Conditional Uses.

In the F-40 District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1201, and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Principal dwelling provided in conjunction with forest uses subject to satisfying the criteria for establishment of a forest dwelling, as provided in subsection 401.06. If the principal dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards specified in Section 1002;

- B. Park or open space, which is publicly owned, operated and maintained;
- C. Extraction and development of oil, natural gas or geothermal resources, subject to the criteria specified in subsection 404.10;
- D. Home occupation, subject to the standards and limitations set forth in Section 1004;
- E. Municipal water supply, treatment, storage or transmission facility;
- F. Municipal sanitary sewer system; and
- G. Utility facility in conjunction with a permitted or conditional use.

401.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section are prohibited in the F-40 District. In order to preserve F-40 lands for forest uses, subdivisions and residential planned unit developments shall be prohibited.

401.05 Nonconforming Uses.

Nonconforming uses found in the F-40 District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this Ordinance.

401.06 Establishment of Dwellings in Conjunction with Forestry.

In the F-40 District, prior to construction or placement of any dwelling, the applicant shall demonstrate that:

- A. The property is now, or will be, used in a manner consistent with the purpose of this District, as demonstrated by a management plan submitted by the applicant which includes evidence of at least one of the following:
 - 1. A forest improvement program as defined by the Oregon State Department of Forestry;
 - 2. A fish, wildlife or other conservation management program approved by the appropriate state agency;

3. A cooperative or lease agreement with another owner of forest or farmland for management of a principal use on the property;
 4. A private management plan for a principal use, as documented by receipts related to the use;
 5. The presence on the property of accessory buildings and uses of a permanent nature, such as equipment sheds and storage areas, that are in conjunction with forestry activities on adjacent property. In such a case, the applicant shall provide evidence that subsection 401.06(B) cannot be met. In such a case, subsection 401.06(C) is not applicable.
- B. The property is large enough to be economically managed for the uses set out in subsection 401.01, considering the management requirements for forest, farm, fish and wildlife or conservation management including, but not limited to, cultivation, harvesting, irrigation, spraying, fertilizing and feeding practices;
- C. Whenever possible, the dwelling shall be located on the least productive portion of the parcel and shall be located at a maximum distance from any primary forest processing facility. The dwelling shall be located as far as practicable from commercial forest or agricultural lands not owned by the applicant, except in such circumstances when the pattern of parcelization, the natural features of a parcel and the location of access roads would permit the clustering of dwellings so as to preserve larger contiguous forested areas and provide buffering from forestry or agricultural operations.
- D. The proposed development shall comply with the following fire protection standards:
1. A water storage tank of one thousand (1000) gallons, or adequate year round alternative source of water, together with its own pump, hose and nozzle shall be provided and maintained for fire protection;
 2. A minimum firebreak of thirty (30) feet, cleared of brush and trees, excluding landscape shrubbery planted or cultivated as

part of a site design plan, shall be provided between the dwelling and the forest land and shall be continually cleared of brush, duff or other flammable material; and

3. A natural buffer shall be established or utilized between adjacent forest or agricultural lands and the proposed dwelling.

401.07 Standards and Limitations.

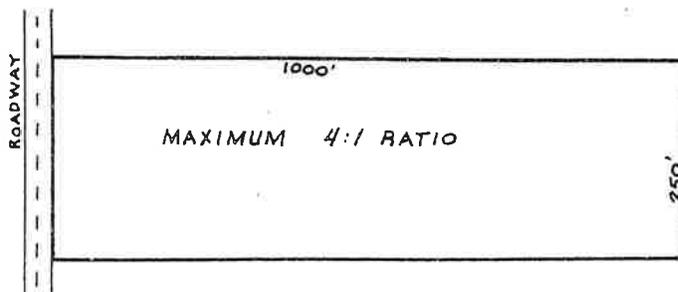
In the F-40 District, the following standards and limitations shall apply:

A. Residential Density.

1. The overall residential density shall not exceed one (1) dwelling per forty (40) acres and not more than one (1) dwelling shall be allowed on any parcel.

B. Parcel Size and Dimension.

1. Newly-Created Parcels. The minimum size of any newly-created parcel shall be forty (40) acres.
2. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to satisfaction of the applicable requirements of this Section. Prior to issuance of a building permit for the construction or placement of a principal dwelling on a substandard pre-existing lot of record, the provisions of Section 1204 and subsection 401.06 shall be satisfied by the applicant.
3. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly created parcel shall be 4:1. This provision shall not apply if the parcel abuts a public road for at least three hundred (300) feet.



C. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses except that the minimum setback for signs shall be five (5) feet, and the minimum setback for accessory uses shall be as provided in subsection 401.07(H).

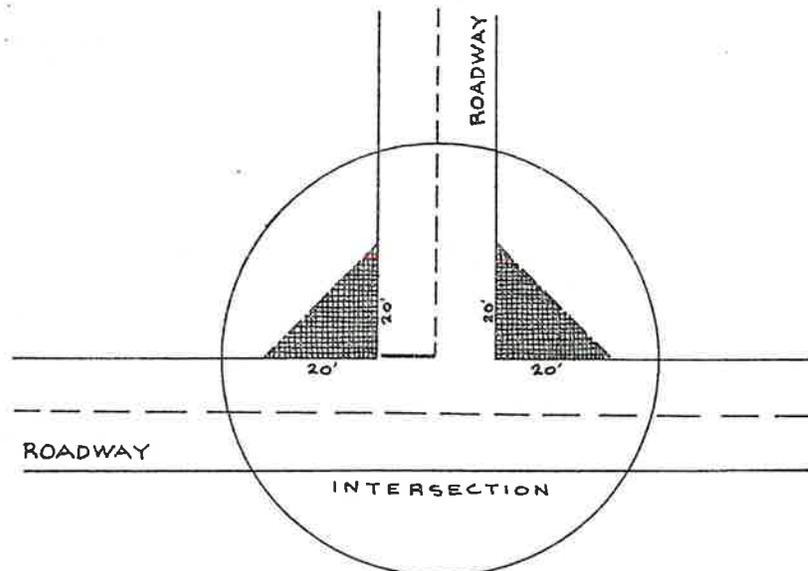
D. Parcel Coverage.

Not applicable, except that for any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

E. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.



A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels, and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

i. Structures.

- a. No separate accessory structures shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.
- b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.

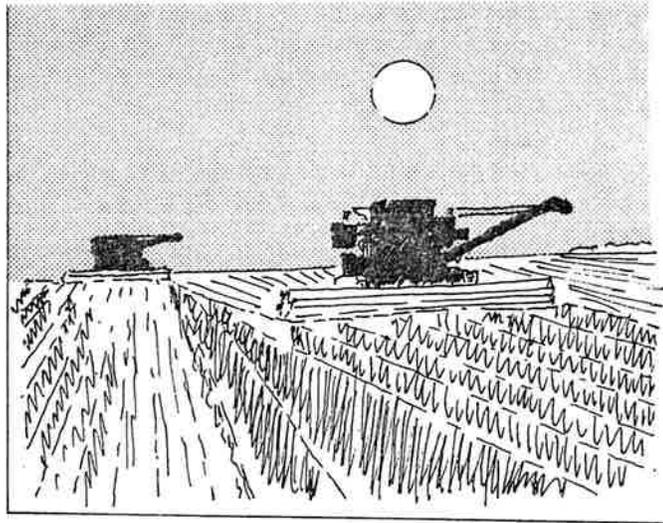
- c. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 401.07(F).
3. Storage and Use of Certain Vehicles and Recreational Equipment. One (1) travel trailer only shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests, subject to the Type A application procedure set forth in Section 1301. In no case shall such a travel trailer be occupied for periods totalling more than three (3) months in any year, and in no case shall any travel trailer be used as a principal dwelling or rented unless and until the necessary permits have been obtained.

I. Off-street Parking.

1. In the F-40 District, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround; and
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the F-40 District shall be determined by the Director subject to the provisions of Section 1007.

402.

EXCLUSIVE FARM USE DISTRICT (EF-40)



402.01 Purpose.

The EF-40 District is intended to designate large, generally contiguous areas identified as Agricultural Forestry Large Holding lands in the Comprehensive Plan and on the Comprehensive Plan Map for agricultural uses. The purpose of this District is to preserve and maintain the production of crops and livestock as the dominant use of these lands, recognizing changing patterns of economics, ownership and management practices; changing market conditions for agricultural produce; and the costs of public regulations of accepted farming practices and public financial incentives. Uses of land and water not compatible with farm uses and which do not provide for a sustained production of crops and livestock or for the proper conservation of soil and water resources and fish and wildlife habitat shall be prohibited.

402.02 Permitted Uses.

In the EF-40 District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 402.09:

- A. Farm uses as follows: The current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the purpose of obtaining a profit in money by raising, harvesting and selling crops; or by the

feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals, or honey bees; or by dairying and the sale of dairy products and other agricultural or horticultural use or animal husbandry; or by any combination thereof. Farm use includes the preparation, storage and marketing of the products raised on such land for man's use and animal use.

- B. Fruit and vegetable stand for produce grown on the property or on property in the same ownership;
- C. Propagation and harvesting of a forest product;
- D. Principal dwelling provided in conjunction with farm or forest uses, for farm owners or operators, subject to satisfying the criteria for establishment of a farm dwelling as provided in subsection 402.06. If the principal dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- E. Secondary dwelling, for persons engaged full time in farming on the premises for at least six (6) months in each year, in conjunction with a principal dwelling on the same parcel, subject to satisfying the criteria for establishment of a farm dwelling as provided under subsection 402.06 and provided that:
 - 1. The applicant demonstrates that the nature of the farm activities on the premises makes it necessary for the occupants of the secondary dwelling to reside there.
 - 2. The occupants of the secondary dwelling will perform work related to the management of the farm that the occupants of other dwellings on the property cannot perform.
 - 3. If the occupants of a secondary dwelling approved hereunder have no proprietary interest in the land, the dwelling shall be a mobile home. In such a case, if at any time the requirements of this Section can no longer be satisfied, the mobile home shall be removed. If the secondary dwelling is a mobile home, it shall, in addition to the

requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.

- F. Livestock feeding yard, provided that:
 - 1. A livestock feeding yard shall be located at least two hundred (200) feet from the centerline of any watercourse used for domestic water supply; and
 - 2. A livestock feeding yard shall be located at least five hundred (500) feet from any residential zoning district or urban growth boundary unless the applicant has received a conditional use permit pursuant to Section 1202.
- G. Public warehouses, as exempted by ORS 586.210 to 586.561;
- H. Accessory uses;
- I. Temporary structures as may be required during construction of any authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- J. Mobile home storage, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;
- K. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301; and
- L. Signs, pursuant to the sign provisions set forth in Section 1006.

402.03 Conditional Uses.

In the EF-40 District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Principal dwelling, not in conjunction with farm or forest use, which meets the nonfarm/nonforest

provisions of subsection 402.07. A land division shall not be predicated upon approval of a nonfarm/nonforest dwelling.

- B. Secondary dwelling of the type listed below, not in conjunction with farm or forest use, which meets the nonfarm/nonforest provisions of subsection 402.07:
1. Guest house; and
 2. Temporary mobile home for family members requiring special care, subject to the following:
 - a. The family member requiring special care is aged, infirm or who, for health-related reasons, is incapable of maintaining a complete separate residence;
 - b. The permit for the mobile home for special care shall be valid for a period of two (2) years or such shorter periods as the Director or hearings body determines to be appropriate, provided, however, that such permit may be revoked by the Director at any time if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated; and
 - c. The permit for the mobile home for special care shall be granted to the applicant only and shall not be deemed to run with the land.
 - d. If the secondary dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.
- C. Creation of a parcel of less than forty (40) acres partitioned from an existing parcel of more than forty (40) acres, which is to be used for the following purposes:
1. To provide a retirement residence for a farm owner who has owned the parcel for a minimum of five (5) years, subject to the following:

- a. The dwelling for retirement purposes shall comply with the nonfarm/nonforest provisions of subsection 402.07;
 - b. Approval of the request will not reduce in size the largest of the two (2) parcels being created below forty (40) acres;
 - c. The parcel created to accommodate the dwelling shall include no more than three (3) acres of land, unless soil conditions, topography or other unique circumstances require a greater land area;
 - d. The parcel created to accommodate the dwelling shall not be less than one (1) acre;
 - e. The remaining larger parcel shall not be partitioned further under this provision for a period of fifteen (15) years;
 - f. The purpose of the partition shall be for retirement thereon;
 - g. Evidence is submitted that the property has been in farm or forest use and that the remaining larger parcel shall continue in farm or forest use; and
 - h. For the purpose of determining density of development for residential purposes, the smaller parcel shall be considered with the original parcel as if the property had never been divided and appropriate conditions may be imposed to ensure compliance with this requirement.
2. Creation of a parcel of less than forty (40) acres functionally divided from the remainder of the subject property by a major cultural feature or major natural feature, subject to the following:
- a. Approval of the request will not reduce in size the largest of the two (2) parcels being created below forty (40) acres.
 - b. The natural or cultural division of the property must result in exceptional and

unique practical difficulties to the farm or forest management practices applied to the land under consideration;

- c. No parcel created under this subsection shall be less than two (2) acres in size.
 - d. For the purpose of determining density of development for residential purposes, the smaller parcel shall be considered with the original parcel as if the property had never been divided and appropriate conditions may be imposed to ensure compliance with this requirement.
 - e. If the parcel to be created is to continue in farm or forest use, any dwelling proposed therefor shall be subject to the criteria for establishment of a farm or forest dwelling contained in subsection 402.06.
 - f. If the parcel to be created is not to continue in farm or forest uses, additional justification shall be provided by the applicant in accordance with the requirements of subsection 402.07, and the additional criteria that:
 - (i) The natural or cultural feature is physically unique to the subject property and is not commonly shared by other properties in the vicinity or zoning districts; and
 - (ii) the division will not directly result in the creation of other land uses that may be incompatible with accepted farm or forestry practices.
- D. Park or open space which is publicly or privately owned, operated or maintained, including hunting and fishing preserves;
- E. Fruit and vegetable stand for produce not grown on the property;

- F. Commercial activities that are in conjunction with farm use;
- G. Extraction and development of oil, natural gas or geothermal resources, subject to the criteria specified in subsection 404.10;
- H. Home occupation, subject to the standards and limitations set forth in Section 1004;
- I. The boarding of horses for profit;
- J. Personal-use airports or helicopter pads, including associated hangars, maintenance and service facilities. For the purpose of this Section, a personal use airport is defined as an airstrip restricted, except for aircraft emergencies, to the use by the owner or by his invited guests, on an infrequent and occasional basis, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based or stored at a personal use airport except those owned or controlled by the owner of the airstrip;
- K. Livestock feeding yard, less than five hundred (500) feet from a residential zoning district or urban growth boundary;
- L. Community or municipal water supply system, except within acknowledged service boundaries;
- M. Community or municipal sanitary sewer system; and
- N. Utility facility in conjunction with a permitted use.

402.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section are prohibited in the EF-40 District. In order to preserve EF-40 lands for farm and forest uses, subdivisions and residential planned unit developments shall be prohibited.

402.05 Nonconforming Uses.

Nonconforming uses found in the EF-40 District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this Ordinance.

**Dwellings in Conjunction with Farm or Forest Uses
Subject to Review by the Director.**

In the EF-40 District, the construction or placement of a dwelling in conjunction with farm or forest use may be approved by the Director, provided that the applicant demonstrates that the dwelling complies with all of the following:

- A. The dwelling will be occupied by the owner, owner's family or farm operator in conjunction with farm or forest use;
- B. The addition and location of new structures and improvements including dwellings, fences, roads, utilities, wells, etc., shall not impose undue limitations upon existing farm or forest uses in the area;
- C. A management plan is submitted which demonstrates that the property is used or will be used for farm or forest use, and which includes the following:
 1. For farm uses:
 - a. Demonstration that the parcel has supported or will support` accepted farming practices, as described in subsection 402.02(A), for the primary purpose of obtaining a profit in money, and will be appropriate to continue existing commercial farm and forest enterprises within the area; and
 - b. Demonstration that additional density will not detrimentally affect the farm or forest operations of the area through increased use of roads, demands for groundwater during growing season, interference with farm or forest uses or practices, or demand for public facilities.
 2. For forest uses, evidence of at least one (1) of the following:
 - a. A forest improvement program as defined by the Oregon State Department of Forestry;

- b. A fish, wildlife or other conservation management program approved by the appropriate state agency;
- c. A cooperative or lease agreement with another owner of forest or farmland for management of a principal use on the property;
- d. A private management plan for a principal use, as documented by receipts related to the use.

402.07 Dwellings not in Conjunction with Farm or Forest Uses.

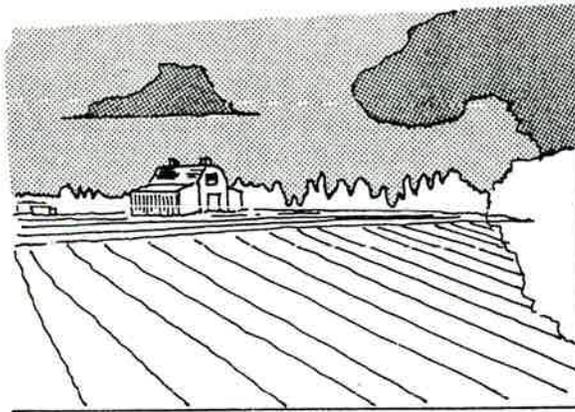
In the EF-40 District, a nonfarm or nonforest dwelling may be established, provided that the applicant demonstrates that the dwelling complies with all of the following:

- A. Is compatible with farm uses as defined in subsection 402.02(A) and with forest uses as defined in subsection 402.02 (C) and is consistent with the intent and purpose of the EF-40 District;
- B. Does not unduly interfere with accepted farming practices, as described in subsection 402.02(A), on adjacent lands devoted to farm use;
- C. Does not materially alter the stability of the overall land use pattern of the area;
- D. Is situated upon land generally unsuitable for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract; and
- E. Will not be in conflict with the Comprehensive Plan.

402.08 Declaratory Statement for Nonfarm or Nonforest Dwelling.

Prior to issuance of any residential building permit for an approved nonfarm or nonforest dwelling, the landowner shall sign an affidavit acknowledging the following declaration statement and shall record it in the deed and mortgage records for Yamhill County:

"The subject property is located in an area designated by Yamhill County for agricultural and forestry uses. It is the County policy to protect agricultural and forestry operations from conflicting land uses in such designated areas. Accepted agricultural and forestry practices and wildlife in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural or forestry operators' responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operators' violation of State law."



402.09 Standards and Limitations.

In the EF-40 District, the following standards and limitations shall apply:

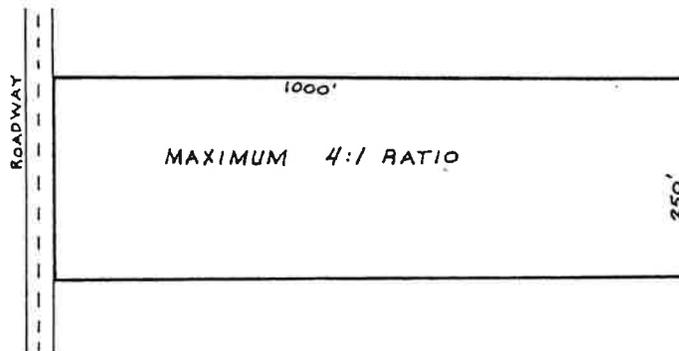
A. Dwelling Density.

1. The overall dwelling density shall not exceed one (1) principal dwelling per forty (40) acres and not more than one (1) principal dwelling shall be allowed on any parcel.
2. Permitted Secondary Uses. Not more than one (1) permitted secondary dwelling, as described in subsection 402.02(D), shall be allowed per forty (40) acres.

3. Conditional Uses. Not more than one (1) dwelling allowed as a conditional use, as described in subsection 402.03(B), shall be allowed on any parcel.

B. Parcel Size and Dimension.

1. Newly-Created Parcels. The minimum size of any newly-created parcel shall be forty (40) acres, except as provided in subsection 402.03(C) for newly-created substandard parcels allowed by conditional use.
2. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District, except as provided in subsection 402.03(C) for newly-created substandard parcels allowed by conditional use, may be established on a substandard pre-existing lot of record, subject to satisfaction of the applicable requirements of the EF-40 District. Prior to issuance of a building permit for the construction or placement of a principal dwelling on a substandard pre-existing lot of record, the provisions of Section 1204 shall be satisfied by the applicant. An application for construction or placement of a principal dwelling in conjunction with a farm or forest use shall be subject to the criteria for establishment of a farm dwelling as provided in subsection 402.06. An application for construction or placement of a principal dwelling not in conjunction with farm or forest use shall be subject to the criteria for establishment of a nonfarm or nonforest dwelling as provided in subsection 402.07 and shall be processed as a conditional use.
3. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 4:1. This provision shall not apply if the parcel abuts a public road for at least three hundred (300) feet.



C. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows:

1. The minimum setback for all yards for a livestock feeding or sales yard shall be fifty (50) feet, except when adjacent to a residential zoning district or urban growth boundary as provided in subsection 402.02 (F);
2. The minimum setback for signs shall be five (5) feet; and
3. The minimum setback for accessory uses shall be as provided in subsection 402.09(H).

D. Parcel Coverage.

Not applicable, except that for any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

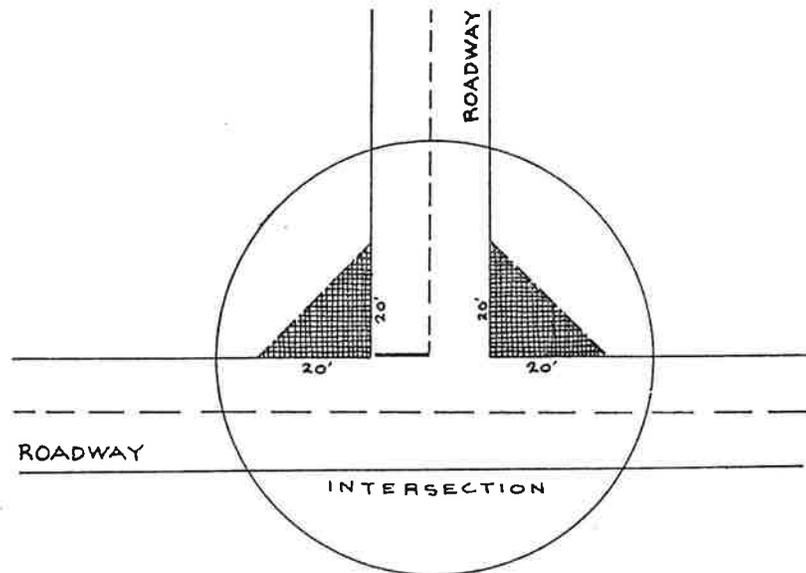
E. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four (4) or more parcels, and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are

maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.



G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Structures used for the storage of farm products and appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

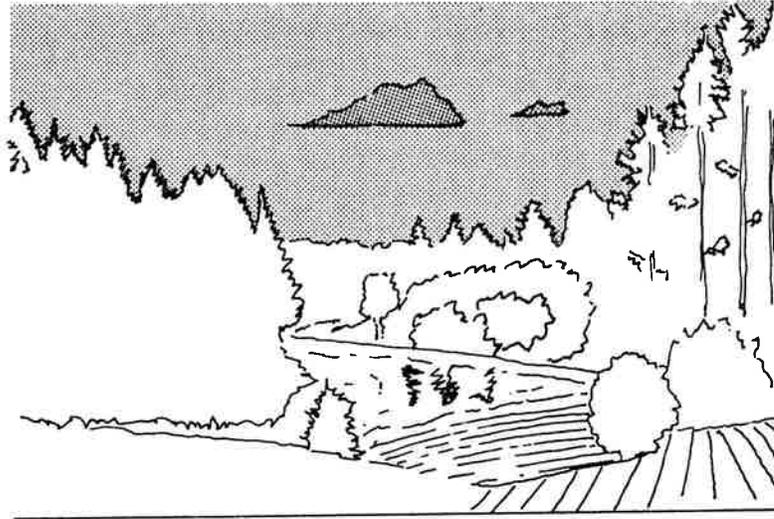
1. Structures.
 - a. No separate accessory structures shall be erected within ten (10) feet of any other

building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.

- b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
 - c. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
- 2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 402.09(F).
 - 3. Storage and Use of Certain Vehicles and Recreational Equipment. One (1) travel trailer only shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests, subject to the Type A application procedure set forth in Section 1301. In no case shall such a travel trailer be occupied for periods totalling more than three (3) months in any year, and in no case shall any travel trailer be used as a principal dwelling or rented unless and until the necessary permits have been obtained.

I. Off-street Parking.

- 1. In the EF-40 District, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround; and
- 2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the EF-40 District shall be determined by the Director subject to the provisions of Section 1007.

**403.01 Purpose.**

The AF-20 District is intended to designate large, generally contiguous areas identified as Agricultural/Forestry Large Holding lands, and including some forest lands, in the Comprehensive Plan and on the Comprehensive Plan Map, for agricultural and forestry uses. The purpose of this District is to preserve and maintain the production of crops, livestock and forest products as the dominant uses of these lands, recognizing changing patterns of economics, ownership and management practices; changing market conditions for agricultural and forestry products; and the costs of public regulations of accepted farming practices and public financial incentives. Uses of land and water not compatible with agriculture and forestry and which do not provide for a sustained production of crops, livestock and forest products or for the proper conservation of soil and water resources and fish and wildlife habitat shall be prohibited.

403.02 Permitted Uses.

In the AF-20 District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 403.09:

- A. Farm uses as follows: The current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the purpose of obtaining a profit in money by raising, harvesting and selling crops; or by the feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals, or honey bees; or by dairying and the sale of dairy products and other agricultural or horticultural use or animal husbandry; or by any combination thereof. Farm use includes the preparation, storage and marketing of the products raised on such land for man's use and animal use.
- B. Fruit and vegetable stand for produce grown on the property or on property in the same ownership;
- C. Propagation and harvesting of a forest product;
- D. Principal dwelling provided in conjunction with farm or forest uses, for farm owners or operators, subject to satisfying the criteria for establishment of a farm dwelling as provided in subsection 403.06. If the principal dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- E. Secondary dwelling, for persons engaged full time in farming on the premises for at least six (6) months in each year, in conjunction with a principal dwelling on the same parcel, subject to satisfying the criteria for establishment of a farm dwelling as provided under subsection 403.06 and provided that:
1. The applicant demonstrates that the nature of the farming activities on the premises makes it necessary for the occupants of the secondary dwelling to reside there.
 2. The occupants of the secondary dwelling will perform work related to the management of the farm that the occupants of other dwellings on the property cannot perform.
 3. If the occupants of a secondary dwelling approved hereunder have no proprietary interest in the land, the dwelling shall be a mobile home. In such a case, if at any

time the requirements of this Section can no longer be satisfied, the mobile home shall be removed. If the secondary dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.

- F. Livestock feeding yard, provided that:
 - 1. A livestock feeding yard shall be located at least two hundred (200) feet from the centerline of any watercourse used for domestic water supply; and
 - 2. A livestock feeding yard shall be located at least five hundred (500) feet from any residential zoning district or urban growth boundary unless the applicant has received a conditional use permit pursuant to Section 1202.
- G. Public warehouses, as exempted by ORS 586.210 to 586.561;
- H. Accessory uses;
- I. Temporary structures as may be required during construction of any authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- J. Mobile home storage, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;
- K. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301; and
- L. Signs, pursuant to the sign provisions set forth in Section 1006.

403.03 Conditional Uses.

In the AF-20 District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in

Section 1202, and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Principal dwelling, not in conjunction with farm or forest use, which meets the nonfarm/nonforest provisions of subsection 403.07. A land division shall not be predicated upon approval of a nonfarm/nonforest dwelling.
- B. Secondary dwelling of the type listed below, not in conjunction with farm or forest use, which meets the nonfarm/nonforest provisions of subsection 403.07:
 1. Guest house; and
 2. Temporary mobile home for family members requiring special care, subject to the following:
 - a. The family member requiring special care is aged, infirm or who, for health-related reasons, is incapable of maintaining a complete separate residence;
 - b. The permit for the mobile home for special care shall be valid for a period of two (2) years or such shorter periods as the Director or hearings body determines to be appropriate, provided, however, that such permit may be revoked by the Director at any time if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated; and
 - c. The permit for the mobile home for special care shall be granted to the applicant only and shall not be deemed to run with the land.
 - d. If the secondary dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.

C. Creation of a parcel of less than twenty (20) acres partitioned from an existing parcel of more than twenty (20) acres, which is for the following purposes:

1. To provide a retirement residence for a farm owner who has owned the parcel for a minimum of five (5) years, subject to the following:
 - a. The dwelling for retirement purposes shall comply with the nonfarm/nonforest provisions of subsection 403.07;
 - b. Approval of the request will not reduce in size the largest of the two (2) parcels being created below twenty (20) acres;
 - c. The parcel created to accommodate the dwelling shall include no more than three (3) acres of land, unless soil conditions, topography or other unique circumstances require a greater land area;
 - d. The parcel created to accommodate the dwelling shall not be less than one (1) acre;
 - e. The remaining larger parcel shall not be partitioned further under this provision for a period of fifteen (15) years;
 - f. The purpose of the partition shall be for retirement thereon;
 - g. Evidence is submitted that the property has been in farm or forest use and that the remaining larger parcel shall continue in farm or forest use; and
 - h. For the purpose of determining density of development for residential purposes, the smaller parcel shall be considered with the original parcel as if the property had never been divided and appropriate conditions may be imposed to ensure compliance with this requirement.
2. Creation of a parcel of less than twenty (20) acres functionally divided from the remainder

of the subject property by a major cultural feature or major natural feature, subject to the following:

- a. Approval of the request will not reduce in size the largest of the two (2) parcels being created below twenty (20) acres.
- b. The natural or cultural division of the property must result in exceptional and unique practical difficulties to the farm or forest management practices applied to the land under consideration;
- c. No parcel created under this subsection shall be less than two (2) acres in size.
- d. For the purpose of determining density of development for residential purposes, the smaller parcel shall be considered with the original parcel as if the property had never been divided and appropriate conditions may be imposed to ensure compliance with this requirement.
- e. If the parcel to be created is to continue in farm or forest use, any dwelling proposed therefor shall be subject to the criteria for establishment of a farm or forest dwelling contained in subsection 403.06.
- f. If the parcel to be created is not to continue in farm or forest uses, additional justification shall be provided by the applicant in accordance with the requirements of subsection 403.07, and the additional criteria that:
 - (i) The natural or cultural feature is physically unique to the subject property and is not commonly shared by other properties in the vicinity or zoning district; and
 - (ii) the division will not directly result in the creation of other land uses that may be incompatible with accepted farm or forestry practices.

- D. Park or open space which is publicly or privately owned, operated or maintained, including hunting and fishing preserves;
- E. Fruit and vegetable stand for produce not grown on the property;
- F. Commercial activities that are in conjunction with farm use;
- G. Mineral resource extraction and mineral resource processing, subject to the applicable criteria in Section 404;
- H. Extraction and development of oil, natural gas or geothermal resources, subject to the criteria specified in subsection 404.10;
- I. Home occupation, subject to the standards and limitations set forth in Section 1004;
- J. The boarding of horses for profit;
- K. Personal-use airports or helicopter pads, including associated hangars, maintenance and service facilities. For the purpose of this Section, a personal use airport is defined as an airstrip restricted, except for aircraft emergencies, to the use by the owner or by his invited guests, on an infrequent and occasional basis, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based or stored at a personal use airport except those owned or controlled by the owner of the airstrip;
- L. Livestock feeding yard, less than five hundred (500) feet from a residential zoning district or urban growth boundary;
- M. Community or municipal water supply system, except within acknowledged service boundaries;
- N. Community or municipal sanitary sewer system; and
- O. Utility facility in conjunction with a permitted use.

403.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section are prohibited in the AF-20 District. In order to preserve AF-20 lands for farm and forest uses,

subdivisions and residential planned unit developments shall be prohibited.

403.05 Nonconforming Uses.

Nonconforming uses found in the AF-20 District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this Ordinance.

403.06 Dwellings in Conjunction with Farm or Forest Uses Subject to Review by the Director.

In the AF-20 District, the construction or placement of a dwelling in conjunction with farm or forest use may be approved by the Director, provided that the applicant demonstrates that the dwelling complies with all of the following:

- A. The dwelling will be occupied by the owner, owner's family or farm operator in conjunction with farm or forest use;
- B. The addition and location of new structures and improvements including dwellings, fences, roads, utilities, wells, etc., shall not impose undue limitations upon existing farm or forest uses in the area;
- C. A management plan is submitted which demonstrates that the property is used or will be used for farm or forest use, and which includes the following:
 - 1. For farm uses:
 - a. Demonstration that the parcel has supported or will support accepted farming practices, as described in subsection 403.02(A), for the primary purpose of obtaining a profit in money, and will be appropriate to continue existing commercial farm and forest enterprises within the area; and
 - b. Demonstration that additional density will not detrimentally affect the farm or forest operations of the area through increased use of roads, demands for groundwater during growing season,

interference with farm or forest uses or practices, or demand for public facilities.

2. For forest uses, evidence of at least one (1) of the following:
 - a. A forest improvement program as defined by the Oregon State Department of Forestry;
 - b. A fish, wildlife or other conservation management program approved by the appropriate state agency;
 - c. A cooperative or lease agreement with another owner of forest or farmland for management of a principal use on the property;
 - d. A private management plan for a principal use, as documented by receipts related to the use.

403.07 Dwellings Not in Conjunction with Farm or Forest Uses.

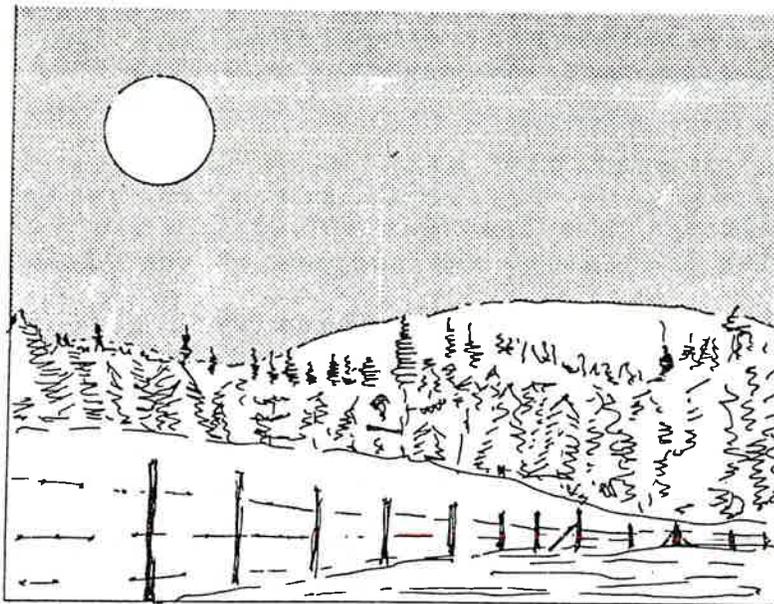
In the AF-20 District, a nonfarm or nonforest dwelling may be established, provided that the applicant demonstrates that the dwelling complies with all of the following:

- A. Is compatible with farm uses as defined in subsection 403.02(A) and with forest uses as defined in subsection 403.02 (C) and is consistent with the intent and purpose of the AF-20 District;
- B. Does not unduly interfere with accepted farming practices, as described in subsection 403.02(A), on adjacent lands devoted to farm use;
- C. Does not materially alter the stability of the overall land use pattern of the area;
- D. Is situated upon land generally unsuitable for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract; and
- E. Will not be in conflict with the Comprehensive Plan.

403.08 **Declaratory Statement for Nonfarm or Nonforest Dwelling.**

Prior to issuance of any residential building permit for an approved nonfarm or nonforest dwelling, the landowner shall sign an affidavit acknowledging the following declaratory statement and shall record it in the deed and mortgage records for Yamhill County;

"The subject property is located in an area designated by Yamhill County for agricultural and forestry uses. It is the County policy to protect agricultural and forestry operations from conflicting land uses in such designated areas. Accepted agricultural and forestry practices and wildlife in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural or forestry operators' responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operators' violation of State law."



403.09 **Standards and Limitations.**

In the AF-20 District, the following standards and limitations shall apply:

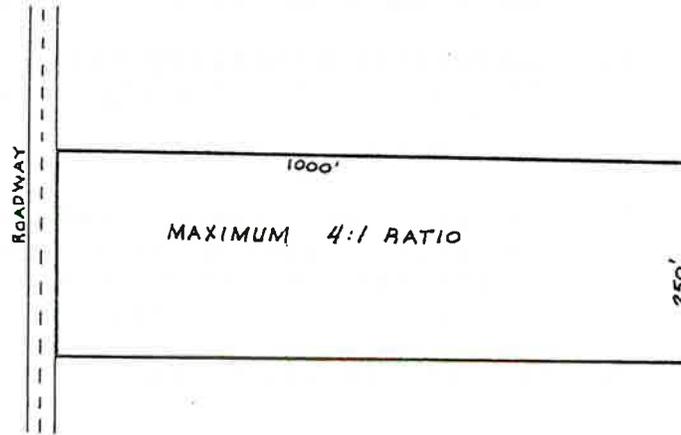
A. Dwelling Density.

1. The overall dwelling density shall not exceed one (1) principal dwelling per twenty (20) acres and not more than one (1) principal dwelling shall be allowed on any parcel.
2. Permitted Secondary Uses. Not more than one (1) permitted secondary dwelling, as described in subsection 403.02(D), shall be allowed per twenty (20) acres.
3. Conditional Uses. Not more than one (1) dwelling allowed as a conditional use, as described in subsection 403.03(B), shall be allowed on any parcel.

B. Parcel Size and Dimension.

1. Newly-Created Parcels. The minimum size of any newly-created parcel shall be twenty (20) acres, except as provided in subsection 403.03(C) for newly-created substandard parcels allowed by conditional use.
2. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District, except as provided in subsection 403.03(C) for newly-created substandard parcels allowed by conditional use, may be established on a substandard pre-existing lot of record, subject to satisfaction of the applicable requirements of the AF-20 District. Prior to issuance of a building permit for the construction or placement of a principal dwelling on a substandard pre-existing lot of record, the provisions of Section 1204 shall be satisfied by the applicant. An application for construction or placement of a principal dwelling in conjunction with a farm or forest use shall be subject to the criteria for establishment of a farm dwelling as provided in subsection 403.06. An application for construction or placement of a principal dwelling not in conjunction with farm or forest use shall be subject to the criteria for establishment of a nonfarm or nonforest dwelling as provided in subsection 403.07 and shall be processed as a conditional use.
3. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall

be 4:1. This provision shall not apply if the parcel abuts a public road for at least three hundred (300) feet.



C. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows:

1. The minimum setback for all yards for a livestock feeding or sales yard shall be fifty (50) feet except when adjacent to a residential zoning district or urban growth boundary as provided in subsection 403.02(F);
2. The minimum setback for signs shall be five (5) feet; and
3. The minimum setback for accessory uses shall be as provided in subsection 403.09(H).

D. Parcel Coverage.

Not applicable, except that for any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

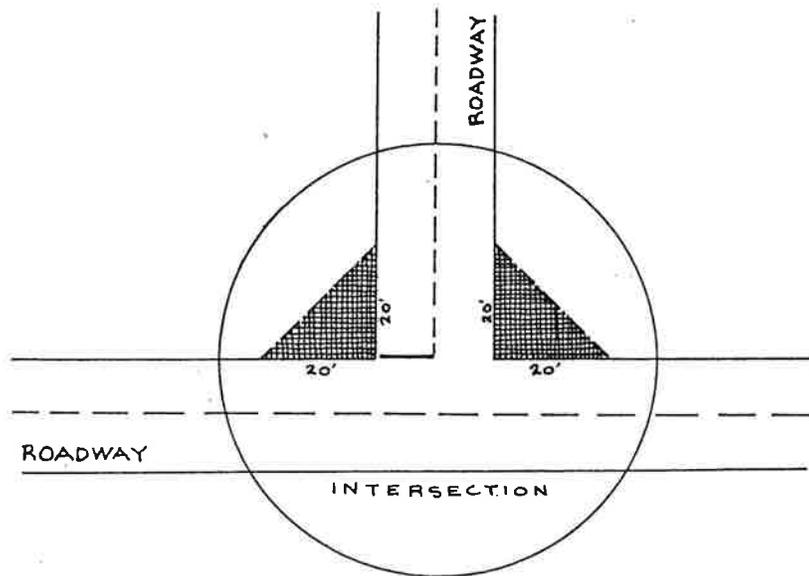
E. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a

private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels, and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.



G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;

2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Structures used for the storage of farm products and appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.
 - a. No separate accessory structures shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.
 - b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
 - c. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 403.09(F).
3. Storage and Use of Certain Vehicles and Recreational Equipment. One (1) travel trailer only shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests, subject to the Type

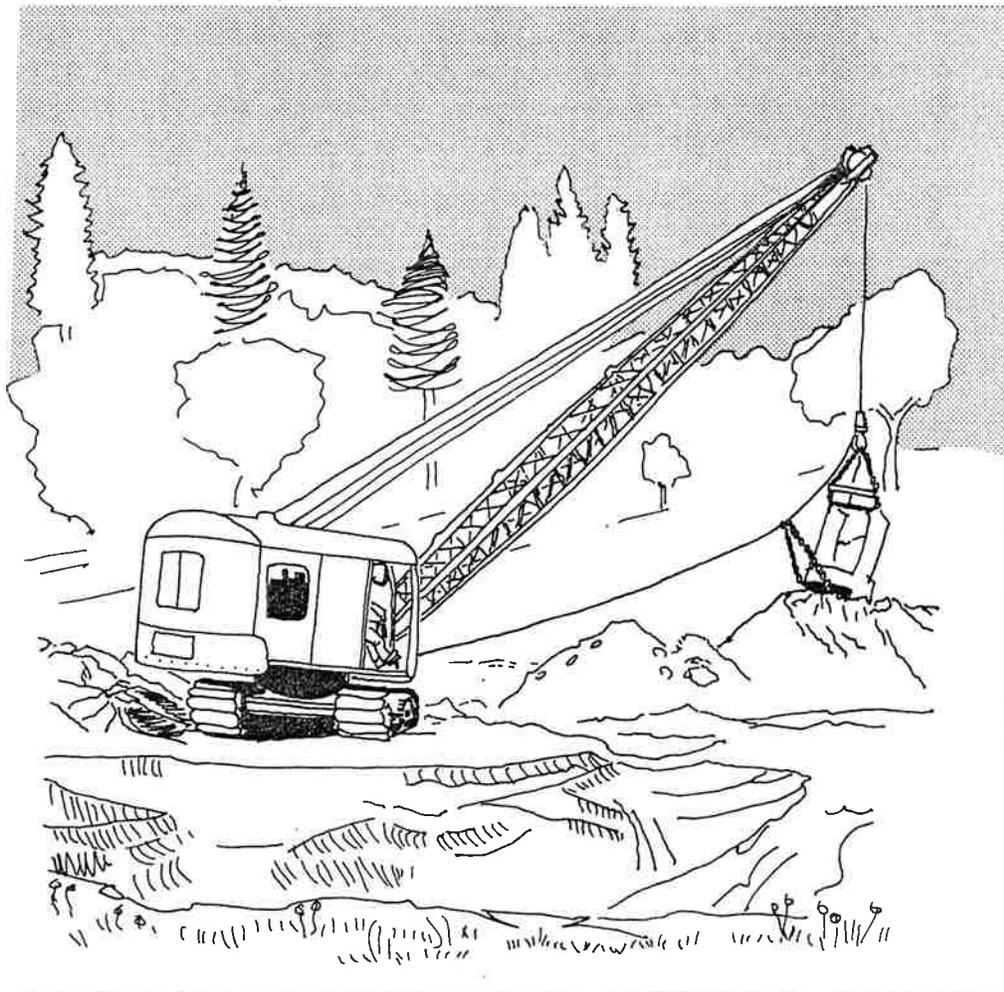
A application procedure set forth in Section 1301. In no case shall such a travel trailer be occupied for periods totalling more than three (3) months in any year, and in no case shall any travel trailer be used as a principal dwelling or rented unless and until the necessary permits have been obtained.

I. Off-street Parking.

1. In the AF-20 District, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround; and
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the AF-20 District shall be determined by the Director subject to the provisions of Section 1007.

404.

MINERAL RESOURCE DISTRICT (MR)



404.01 Purpose.

The purpose of the MR District is to provide for the development and utilization of identified deposits of mineral aggregate resource materials on land which is not identified for urban or rural residential use on the Comprehensive Plan; to provide for the exploration for, and the subsequent extraction and development of, identified deposits of geothermal resources and oil, gas and other hydrocarbon resources produced in liquid and gaseous form; to establish siting criteria and operating standards for mineral resources that minimize present and future on-site and off-site land use and environmental conflicts; and to provide for the timely and satisfactory reclamation of land used for mineral resource activity.

404.02 Permitted Uses--MR-1.

In the MR-1 District, the following uses shall be permitted:

- A. Quarry or mining operations for the extraction of rock, clay, soil, sand and gravel;
- B. Exploration for oil, natural gas or geothermal resources;
- C. Rock crushing, washing or screening;
- D. Stockpiling of rock or earth products in conjunction with the operation of the mineral resource business on-site;
- E. Portable concrete batching or portable hot-mix batching plants;
- F. A dwelling for the owner, in conjunction with a permitted use as established by subsections 404.02(I) and 404.02(J). If the dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- G. A dwelling and accessory structures for a caretaker or watchman in conjunction with the operation of a mineral resource business. If the dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home forth in Section 1002;
- H. Storage of heavy equipment in conjunction with the operation of the mineral resource business on-site;
- I. Farm uses, as follows: the current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the purpose of obtaining a profit in money by raising, harvesting and selling crops, or by the feeding, breeding, management and sale of, or the production of livestock, poultry, furbearing animals, or honey bees; or by dairying and the sale of dairy products and other agricultural or horticultural use or animal husbandry; or by any combination thereof. Farm use includes the preparation, storage and marketing of the products raised on such land for man's use and animal use;

- J. Propagation and harvesting of a forest product; and
- K. Manufacture and storage of brick and tile.

404.03 Permitted Uses--MR-2.

In the MR-2 District, the following uses shall be permitted:

- A. Quarry or mining operations for the extraction of rock, clay, soil, sand and gravel;
- B. Exploration for oil, natural gas or geothermal resources;
- C. Rock crushing, washing or screening;
- D. Stockpiling of rock or earth products in conjunction with the operation of the mineral resource business on-site;
- E. A dwelling for the owner, in conjunction with a permitted use as established by subsections 404.03(H) and 404.03(I). If the dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- F. A dwelling and accessory structures for a caretaker or watchman in conjunction with the operation of a mineral resource business. If the dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- G. Storage of heavy equipment in conjunction with the operation of the mineral resource business on-site;
- H. Farm uses, as follows: the current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the purpose of obtaining a profit in money by raising, harvesting and selling crops, or by the feeding, breeding, management and sale of, or the production of livestock, poultry, furbearing animals, or honey bees; or by dairying and the sale of dairy products and other agricultural or horticultural use or animal husbandry; or by any

combination thereof. Farm use includes the preparation, storage and marketing of the products raised on such land for man's use and animal use;

- I. Propagation and harvesting of a forest product; and
- J. Manufacture and storage of brick and tile.

404.04 Conditional Uses.

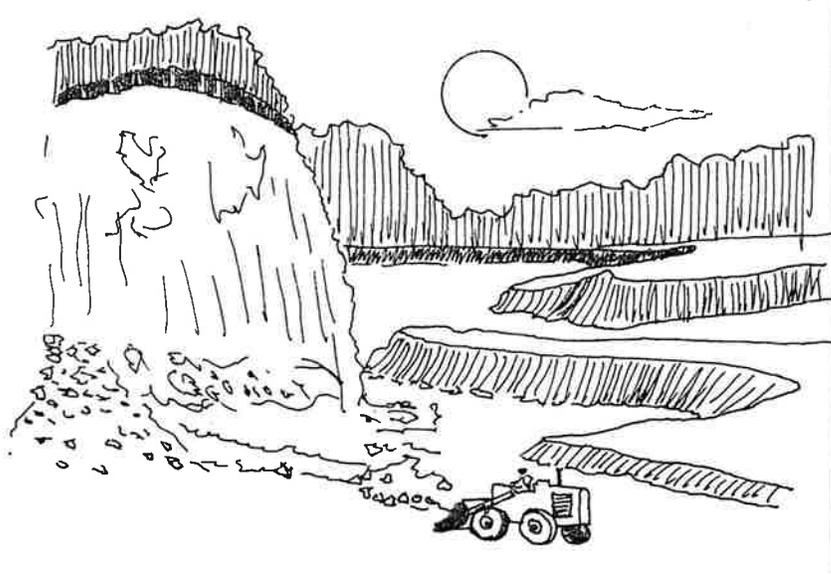
In the MR District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Manufacture and storage of concrete and aggregate products such as preformed steps, beams, fences, vaults and similar products, provided that the aggregate needs are supplied from the same site where storage and manufacturing takes place;
- B. Extraction and development of oil, natural gas or geothermal resources, subject to the requirements of subsection 404.10;
- C. Coal and precious metals extraction, processing and stockpiling from the same site where extraction takes place;
- D. Any structure necessary and appurtenant to the above uses;
- E. Permanent concrete batching or hot-mix batching plants;
- F. The following additional use may be allowed conditionally in the MR-2 District:
 - 1. Portable concrete batching or portable hot-mix batching plants.

404.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section are prohibited in the MR District. In

order to preserve MR lands for mineral resource uses, residential subdivisions shall be prohibited; however, land divisions for purposes of conveyance of mineral resource operations shall be permitted.



404.06 Standards and Limitations.

In the MR District, the following standards and limitations shall apply:

- A. The minimum parcel size for a permitted or conditional use shall be five (5) acres.
- B. The maximum building height of any residential structure shall be thirty-five (35) feet and the maximum height of all other structures shall be sixty (60) feet.
- C. The minimum setbacks for all yards of a residential dwelling in the MR District shall be thirty (30) feet.

404.07 Operating Standards.

All mineral resource operations, either permitted or allowed by conditional use, shall conform to the following standards:

- A. Operating setbacks.

1. Extraction shall not be conducted within twenty-five (25) feet of any zoning district boundary; and shall not be conducted closer than five hundred (500) feet from any dwelling existing at the time of adoption of this Ordinance.
2. Processing activities shall not be conducted within five hundred (500) feet of any LDR, VLDR or AF-10 zoning district boundary; or within two hundred fifty (250) feet of any other zoning district boundary. In no case shall processing and other processing-related activities be conducted closer than five hundred (500) feet from any dwelling existing at the time of adoption of this Ordinance.

B. Screening.

Adequate screening with indigenous planting shall be preserved or established to block the view at the site from any public road, residential zoning district and from any existing dwelling located within one thousand (1000) feet of the site prior to establishment of the MR District. Existing trees and other natural vegetation shall be preserved and maintained at the perimeter of the site to provide screening. This landscaping, fencing for safety purposes, berms or other similar devices shall be submitted as a site plan for Commission approval.

C. Environmental Standards.

1. All excavation, including blasting, processing, maintenance and truck traffic shall be conducted in a manner that minimizes the adverse effect to persons and activities on adjoining property due to noise, dust, odor, vibration or surface water pollution or erosion.
2. Any mining operation shall not exceed Department of Environmental Quality noise emission, air contamination and water quality standards. Additionally, appropriate federal environmental quality permits shall be obtained for each site.
3. Excavation which results in ponding shall be deep enough to prevent stagnation and development of mosquito-breeding areas or

shall be backfilled with a material that will not impair groundwater quality.

D. Roadways.

In the MR District for all mineral resource sites approved by the Board, all access to a mineral resource site shall be by a route or routes approved by the Board and shall be constructed and maintained in such a manner as to eliminate, as far as practicable, noise or dust which adversely affects persons living in the vicinity, or crops or livestock being raised in the vicinity.

E. Site Operation and Safety.

All excavation, processing and stockpiling of mineral resources shall take place under conditions which will provide for the reclamation of the site for future uses and will protect the safety of the public.

1. Blasting shall be restricted to the hours of 7:00 A.M. to 6:00 P.M. Monday through Saturday. No blasting shall occur on Sundays or holidays. In the event the operator cannot comply with this restriction due to unforeseen circumstances, the operator may exceed the limitations set forth above; provided that in no event shall the owner or operator blast outside the restrictions set forth above more than four (4) times in any one (1) calendar year.
2. Prior to a blasting operation, the operator shall be responsible for notifying adjacent property owners as to the date and approximate time of the blasting activity.

F. Land Reclamation.

1. Any parcel or site used as a mineral resource site for which a reclamation plan is required by the Department of Geology and Mineral Industries (DOGAMI) shall be reclaimed in accordance with the site operation and reclamation plan on file with and approved by the County.
2. The approved reclamation plan shall be implemented in accordance with a schedule contained therein showing the planned order and sequence of said reclamation.

3. The approved reclamation plan shall require all excavations to be backfilled, contoured or terraced or put to a use shown on the reclamation plan which is compatible with the final depth and slopes within the excavation site.
4. The approved reclamation plan shall require topsoil to be saved and stored in such a manner as to prevent erosion, and that said topsoil shall be replaced to at least the depth of the original overburden, or to a depth adequate to achieve the approved reclamation use.
5. The approved reclamation plan may, in the County's discretion, provide for reclamation of portions of the site prior to total exhaustion of the resource found on the site.

G. Performance Agreement.

Pursuant to the requirements of this Section and any conditions imposed hereunder, the applicant shall enter into a performance agreement with the County, using the applicant's performance agreement with DOGAMI as a minimum standard. Should the Board find that the DOGAMI performance agreement for a specific site is inadequate, the Board shall modify it accordingly.

404.08 Application for Zone Change to MR District.

In addition to the Type C application procedure set forth in Section 1301, and subject to the amendment review criteria listed in Section 1207, application for an MR zone shall contain:

- A. The documentation, as applicable, required for any application for a site design review as set forth in Section 1101;
- B. Plans showing the location, area, dimensions, acreage and legal description of the parcel to be developed or used, together with north point, scale, date of application, and all intended uses, including estimates of the total volume of the resource to be mined and initial contours for the proposed site.

- C. Provisions for landscaping and screen-planting of all parts of the site;
- D. Provisions for preventing the collection and stagnation of water at all stages of the operation;
- E. Plans, profiles and cross-sections of all access roads; and
- F. Plans for the reclamation of the site.
- G. All plans prepared and submitted shall be prepared at a scale no smaller than one (1) inch to two hundred (200) feet, with five (5) foot contours, and such information shall be furnished for a distance beyond the site sufficient to determine the impact of the operation on adjacent and surrounding lands.

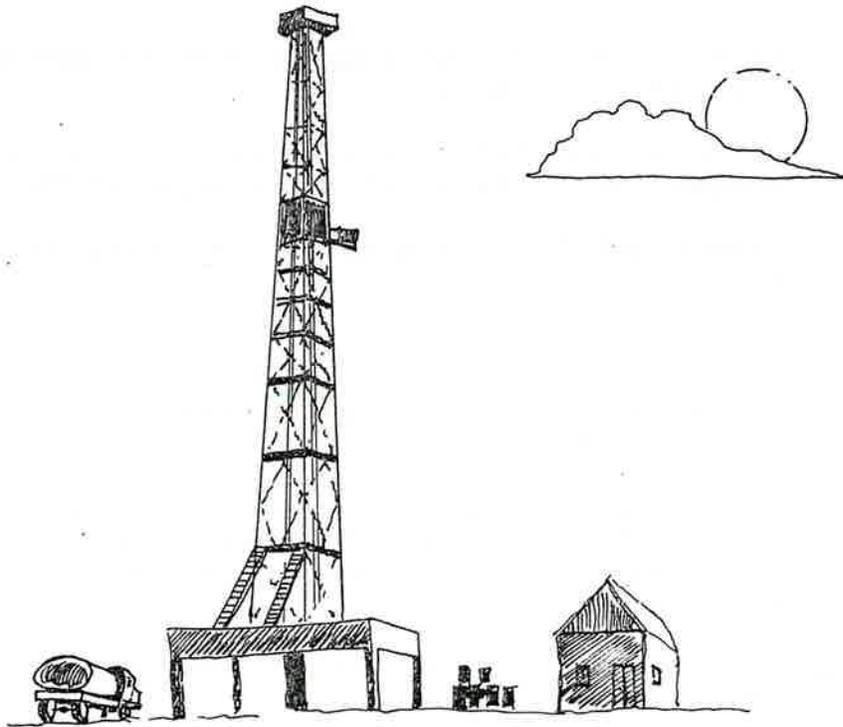
404.09 MR Zone Change Criteria.

Approval of a zone change to the MR District shall be based upon satisfactory compliance with the requirements set forth in subsection 404.08 and the amendment review criteria listed in Section 1207; and the following criteria:

- A. That a sufficient quality and quantity of mineral resource exists at the proposed site to fulfill a market need.
- B. That approval of the zone change will not cause immediate or long-term land use conflicts that cannot be satisfactorily mitigated. If conflicts are identified, findings shall be made concerning the economic, social, environmental and energy consequences of allowing the MR use; and a determination shall be made that the benefits to the public outweigh the detriments suffered as a result of said conflict.

404.10 Oil, Natural Gas and Geothermal Exploration and Extraction.

The purpose of this subsection shall be to provide for the exploration and extraction of oil, natural gas and geothermal resources and to establish criteria to assure that such activities have a minimal impact on land use activities permitted under this Ordinance.



The term exploration includes both nonsurface and surface disturbance activities, such as sonar sightings and test drilling, necessary to locate potential resource sites.

The term extraction includes any excavation made for producing oil, natural gas and/or geothermal resources and also includes activities and structures ancillary to the extraction operation including, but not limited to, pumping facilities, storage tanks, pipelines, waste ponds and equipment sheds.

A. Application Procedure -- Exploration Permit.

1. An application for the exploration of oil, natural gas and/or geothermal resources shall be prepared on an approved form available from the Department of Planning and Development. The applicant shall provide all information required under this Section and any additional information deemed necessary by the Director.
2. An application for the exploration of oil, natural gas and/or geothermal resources shall be made by the mineral property owner

or the lessee of the property, if the application also bears the signature of the mineral property owner.

3. The following information shall be included with the application for an exploration permit:
 - a. A surface plat of the property to be explored;
 - b. The approximate location of exploration points on the surface plat;
 - c. A description of the type of equipment to be used during the exploration process; and
 - d. Anticipated time frame for exploration.
4. For zoning districts in which exploration is allowed as a permitted use, the application shall be reviewed pursuant to the Type A application procedure set forth in Section 1301.
5. For zoning districts in which exploration is allowed as a conditional use, the application shall be reviewed pursuant to the Type B application procedure set forth in Section 1301 and the conditional use review criteria listed in Section 1202.
6. The application for an exploration permit shall be reviewed for compliance with the following criteria for approval:
 - a. The parcel lies within an appropriate zoning district;
 - b. The applicant has submitted all information required under this subsection;
 - c. DOGAMI has issued an exploration permit for the operation (not required for seismic exploration);
 - d. The applicant has posted a performance bond, if required by the Director or the Road Department; and
 - e. The applicant has demonstrated that the proposed location and method of

exploration will have a minimal impact on adjacent land use activities.

7. If the applicant proposes to drill an exploration well, it shall be sited according to the setback standards outlined in subsection 404.10(D)(1).
8. If the Director determines that the applicant has satisfied the criteria noted above, the Director shall issue a one hundred twenty (120) day exploration permit. The Director may establish conditions of approval deemed necessary to carry out the intent of this Ordinance.
9. At the discretion of the Director, the applicant may be required to file a performance bond to provide for the repair of any County roads which may be damaged or diminished in quality due to exploration activities. The amount of the performance bond shall be determined by the Road Department.
10. Upon expiration of the exploration permit, all equipment and materials associated with the exploration operation shall be removed from the site and the site shall be reclaimed in accordance with DOGAMI standards. If the exploration is successful, the applicant may apply for an extraction permit.

B. Application Procedure -- Extraction Permit.

1. An application for the extraction of oil, natural gas and/or geothermal resources shall be processed as a conditional use permit pursuant to the Type B application procedure set forth in Section 1301.
2. An application for the extraction of oil, natural gas and/or geothermal resources shall be made by the mineral property owner or the lessee of the property, if the application also bears the signature of the mineral property owner.
3. The following information shall be included with the conditional use permit application:

a. An 8 1/2 x 14 inch reproducible site plan which identifies the property under the applicant's control. The site plan shall include:

(i) The location of areas proposed for extraction, materials storage and transmission;

(ii) the location of all existing and proposed structures within five hundred (500) feet of the extraction site;

(iii) the location of all existing and proposed roads to the property and extraction site; and

(iv) the location of all wells and springs within five hundred (500) feet of the proposed extraction site.

b. Evidence of application to the Department of Geology and Mineral Industries for a permit to site and operate an oil, natural gas and/or geothermal extraction facility.

c. A reclamation plan which complies with the minimum standards promulgated and administered by DOGAMI.

d. A generalized project development timetable.

e. A generalized geologic and engineering presentation with sufficient data to indicate the presence of a viable resource.

C. Review Criteria.

The approval of a conditional use permit allowing the extraction of oil, natural gas and/or geothermal resources shall be based upon compliance with the conditional use review criteria listed in Section 1202 and the following criteria that:

1. That evidence is presented to demonstrate the presence of oil, natural gas and/or geothermal resources of sufficient quantity and quality to justify the extraction;

2. That the applicant has filed for an extraction permit from DOGAMI and all test and waste discharge operations have been filed with the Department of Environmental Quality (DEQ);
3. That the site development plan is designed to retain the maximum amount of productive resource land;
4. That the site development plan is designed to prevent disruption of irrigation and natural drainage patterns;
5. That access roads and other public facilities are adequate to support the extraction activity; and
6. That the extraction activity will be compatible with adjacent land uses.

D. Operating Standards.

1. The following minimum standards shall be observed in the siting of all exploration and extraction wells:

| | |
|--------------------------|----------|
| Outer boundary of parcel | 100 feet |
| Surface waterway or well | 250 feet |
| Public road | 100 feet |
| Existing residence | 500 feet |

2. All equipment storage shall be set back a minimum of two hundred (200) feet from any existing dwelling or fifty (50) feet from any outer boundary of the parcel.
3. All work in preparation of the site for drilling shall be conducted between the hours of 7 A.M. to 7 P.M.
4. Delivery or removal of equipment or materials shall be limited to the hours between 7 A.M. to 7 P.M., except in a case of emergency.
5. Unattended well sites shall be enclosed with a six (6) foot chain link fence with a locked gate.
6. All extraction operations shall be in compliance with state and federal standards on noise, vibrations and emissions.

7. Off-street parking shall be provided at a ratio of three (3) spaces per well site.
8. Light rays shall be directed or shielded to confine direct rays to the site.
9. The drilling site and access roads to the site shall be treated to reduce dust and mud.
10. Drilling may occur on a twenty four (24) hour basis if all of the above standards have been met.

405. PARKS, RECREATION, OPEN SPACE DISTRICT (PRO)



405.01 **Purpose.**

The purpose of the PRO District is to accommodate the immediate foreseeable demand for public parks and recreation and open space in designated areas inside or outside urban growth boundaries to serve local and regional residents' needs as identified in the Comprehensive Plan. The size, character and intensity of development of park, recreation and open space areas and the performance characteristics of recreation areas shall be commensurate with the capability of land and water areas to support the uses intended and shall not result in any unusual service demands on nearby urban

centers. Uses of land and water not compatible with public parks, public recreation and open space uses, including recreation commercial service facilities, shall be prohibited.

405.02 Permitted Uses.

In the PRO District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 405.07, and pursuant to Section 1101 for site design review:

- A. Park, recreation area, or open space, publicly or privately owned, operated and maintained and including hunting and fishing preserves;
- B. Public campground or picnic site;
- C. Historical, archaeological, or geological site;
- D. Public boat-launching and fishing facilities;
- E. Public bicycle and pedestrian paths or trails systems not within County or public rights-of-way;
- F. Equestrian paths or trails systems;
- G. Public playlot, playground, or playfield, including game court, ball diamond, swimming pool and similar uses;
- H. Public travel-trailer park subject to the travel trailer park provisions of Section 1003;
- I. Golf course, excluding miniature golf;
- J. Driving range, in conjunction with a golf course;
- K. Dwelling for caretaker or watchman, in conjunction with a permitted use. If the dwelling is a mobile home it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- L. Accessory uses;
- M. Temporary structures as may be required during construction of an authorized permanent

structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

- N. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301;
- O. Community or municipal water supply system;
- P. Community or municipal sanitary sewer system; and
- Q. Signs, pursuant to the sign provisions set forth in Section 1006.

405.03 Conditional Uses.

In the PRO District, pursuant to the Type B application procedure set forth in Section 1301 and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this Ordinance, the following use may be allowed conditionally:

- A. Driving range, not in conjunction with a golf course.

405.04 Similar Uses.

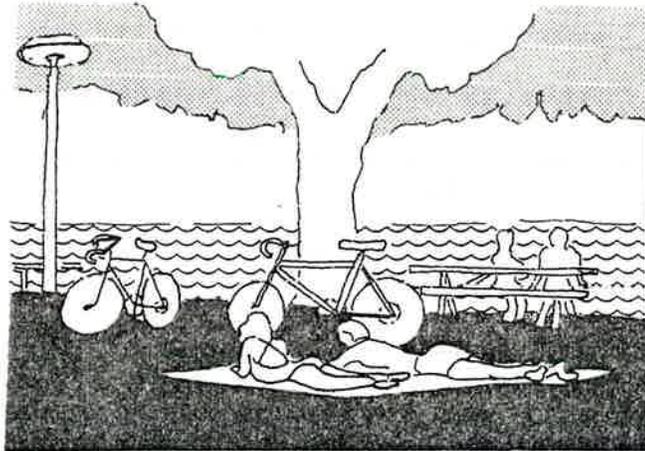
Any use not specifically listed as a permitted or conditional use in this District that is similar in character, scale and performance to the permitted uses specified in subsection 405.02, may be allowed as a similar use, subject to the similar use provisions of Section 1206 and pursuant to the Type A application procedure set forth in Section 1301.

405.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section and not allowed as a similar use, are prohibited in the PRO District.

405.06 Nonconforming Uses.

Nonconforming uses found in the PRO District are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this Ordinance.



405.07 Standards and Limitations.

In the PRO District, the following standards and limitations shall apply unless varied or waived subject to Section 903 for Planned Unit Development:

A. Parcel Size and Dimension.

The minimum parcel size for any use shall be one (1) acre, except that fifty (50) acres shall be the minimum parcel size for a golf course.

B. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except that the minimum setback for signs shall be five (5) feet and the minimum setback for accessory uses shall be as provided in subsection 405.08(F).

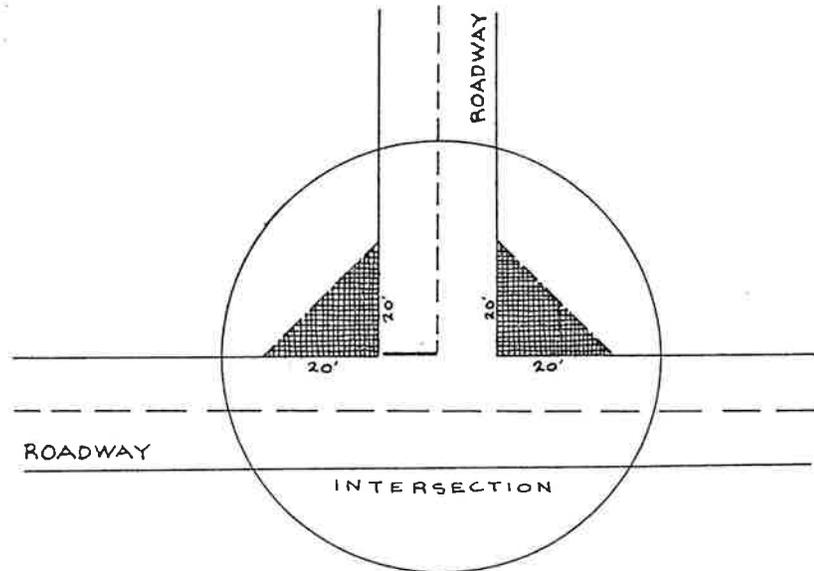
C. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a

private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

D. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels, and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.



E. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;

2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

F. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.
 - a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.
 - b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
 - c. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 405.08(D).
3. Storage and Use of Certain Vehicles and Recreation Equipment. One (1) travel trailer only shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests, subject to the Type A application procedure set forth in Section 1301. In no case shall

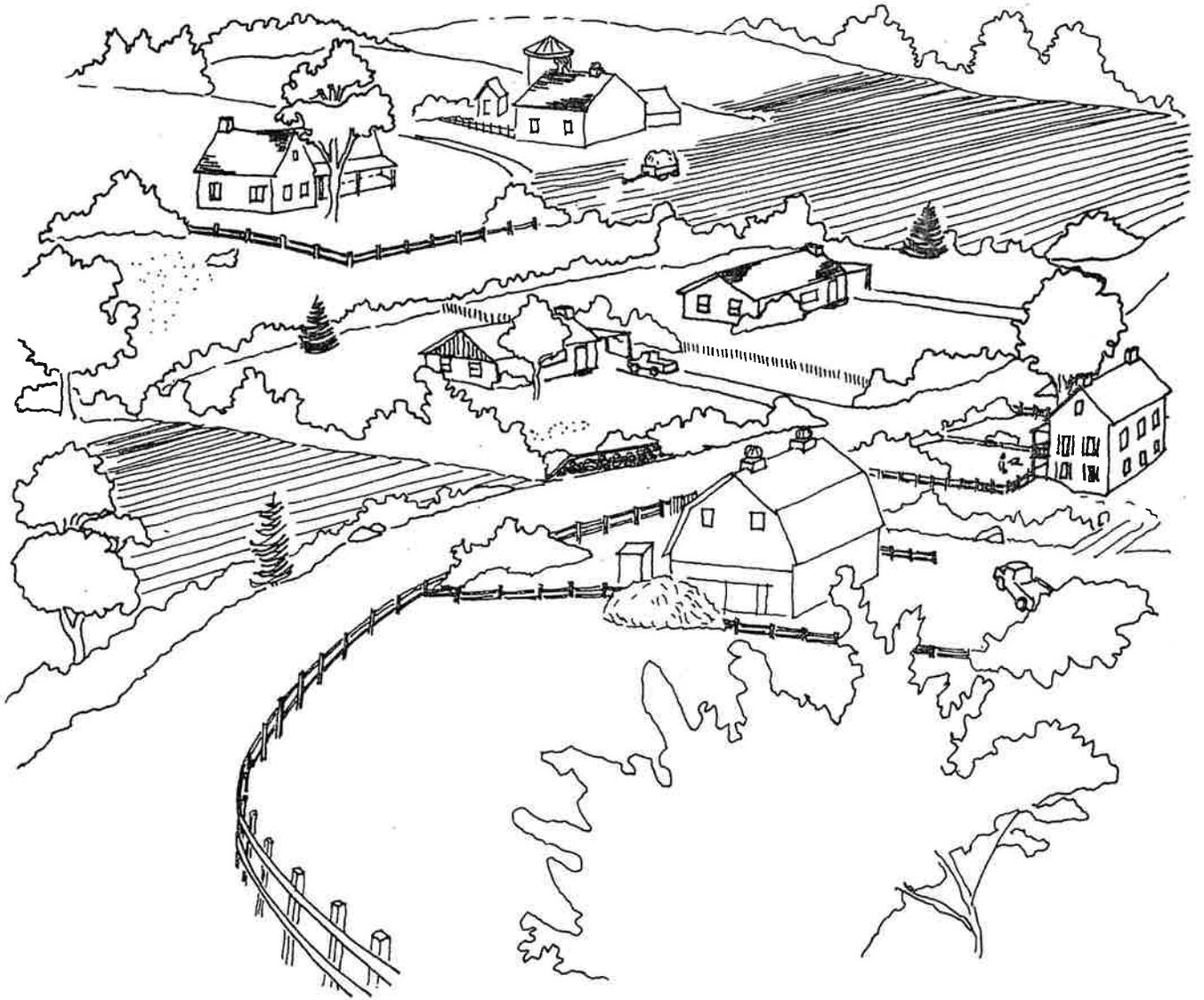
such a travel trailer be occupied for periods totalling more than three (3) months in any year, and in no case shall any travel trailer be used as a principal dwelling or rented unless and until the necessary permits have been obtained.

G. Off-street Parking.

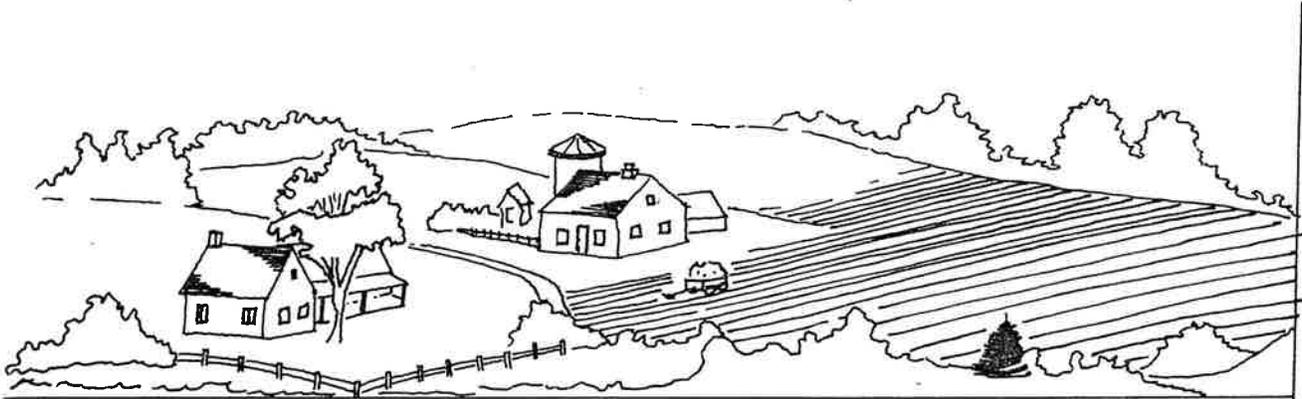
Off-street parking and loading requirements for any use provided for in the PRO District shall be as provided in Section 1007.

SECTION 500

RURAL RESIDENTIAL DISTRICTS



501. AGRICULTURE/FORESTRY SMALL HOLDING DISTRICT (AF-10)



501.01 **Purpose.**

The purpose of the AF-10 District is to provide for low density rural residential development on selected lands identified as Agricultural/Forestry Small Holding in the Comprehensive Plan; and, at the same time, to encourage small-scale or more intensive farm and forestry activities. Within this District, no limitations shall be placed on farm and forestry uses of the scale, type and performance characteristics commonly found in the F-40, EF-40 and AF-20 Districts. In areas immediately adjacent to urban centers, the AF-10 District is intended to be a transitional zone between F-40, EF-40 or AF-20 Districts and higher-density VLDR and LDR Districts or urban districts identified in city comprehensive plans.

501.02 **Permitted Uses.**

In the AF-10 District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 501.06:

- A. Farm uses, as follows: The current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the raising, harvesting and selling the crops; or for the feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and

the sale of dairy products and other agricultural or horticultural use of animal husbandry, or for any combination thereof. Farm use includes the preparation, storage and marketing of the products raised on such land for man's use and animal use;

- B. Propagation and harvesting of forest products;
- C. The boarding of horses for profit, subject to Section 1101 for site design review;
- D. Principal dwelling. If the principal dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- E. Park or open space which is publicly or privately owned, operated or maintained, including fishing and wildlife preserves but excluding hunting preserves;
- F. Subdivisions, subject to the land division requirements set forth in Ordinance 205;
- G. Residential Planned Unit Developments, subject to Section 903 of this Ordinance and the land division requirements set forth in Ordinance 205;
- H. Accessory uses;
- I. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301;
- J. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector.
- K. Mobile home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits; and
- L. Signs, pursuant to the sign provisions set forth in Section 1006.

501.03 Conditional Uses.

In the AF-10 District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1203, and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

A. Secondary dwelling, for persons engaged full time in farm activities on the premises for at least six (6) months in each year, in conjunction with a principal dwelling on the same parcel, and provided that:

1. The applicant demonstrates that the nature of the farm activities on the premises makes it necessary for the occupants of the secondary dwelling to reside there.
2. The occupants of the secondary dwelling will perform work related to the management of the farm that the occupants of other dwellings on the property cannot perform.
3. If the occupants of a secondary dwelling approved hereunder have no proprietary interest in the land, the dwelling shall be a mobile home. In such a case, if at any time the requirements of this Section can no longer be satisfied, the mobile home shall be removed. If the secondary dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.

B. Secondary dwelling, in conjunction with a principal dwelling on the same parcel, as follows:

1. Guest house; and
2. Temporary mobile home for family members requiring special care, subject to the following:
 - a. The family member requiring special care is aged, infirm or who, for health-related reasons, is incapable of maintaining a complete separate residence;

- b. The permit for the mobile home for special care shall be valid for a period of two (2) years or such shorter periods as the Director or hearings body determines to be appropriate, provided, however, that such permit may be revoked by the Director at any time if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated; and
- c. The permit for the mobile home for special care shall be granted to the applicant only and shall not be deemed to run with the land.
- d. If the secondary dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.
- C. Small business, as defined by this Ordinance, subject to the standards and limitations set forth in Section 1005;
- D. Extraction and development of oil, natural gas or geothermal resources, subject to the criteria specified in subsection 404.10;
- E. Personal use airports or helicopter pads, including associated hangars, maintenance and service facilities. For the purpose of this Section, a personal use airport is defined as an airstrip restricted, except for aircraft emergencies, to use by the owner or by his invited guests, on an infrequent and occasional basis, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based or stored at a personal use airport except those owned or controlled by the owner of the airstrip;
- F. Kindergarten, day nursery or day care facility in conjunction with a principal dwelling on the same parcel, subject to the standards for day care facilities set forth in Section 1008;
- G. Veterinary hospital;
- H. Kennel;

- I. Community or municipal water-supply system, except within acknowledged service boundaries;
- J. Community or municipal sewer system; and
- K. Utility facility in conjunction with a permitted use.

501.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section are prohibited in the AF-10 District.

501.05 Nonconforming Uses.

Nonconforming uses found in the AF-10 District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this Ordinance.

501.06 Standards and Limitations.

In the AF-10 District, the following standards and limitations shall apply:

A. Dwelling Density.

1. Permitted Uses.

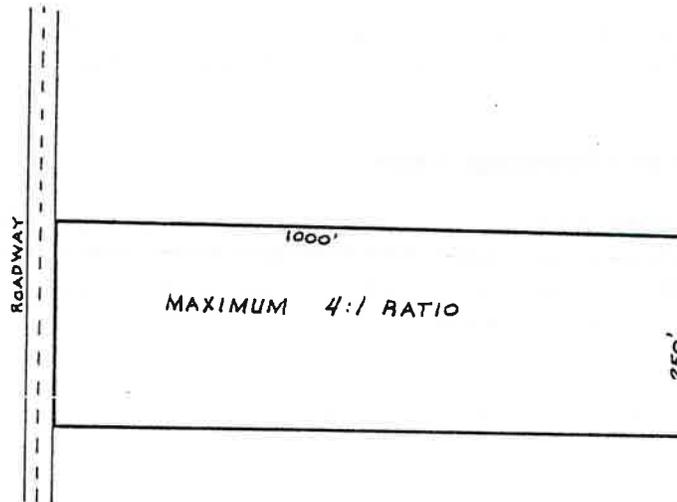
- a. The overall dwelling density shall not exceed one (1) principal dwelling per ten (10) acres; and
- b. Not more than one (1) principal dwelling shall be permitted on any parcel except in the case of a planned unit development.

B. Parcel Size and Dimension.

- 1. Newly-Created Parcels. The minimum size of any newly-created parcel shall be ten (10) acres, except as provided in Section 903 for Planned Unit Developments.
- 2. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this Section. In

addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.

3. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 4:1.



C. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows:

1. No dwelling shall be located within one hundred (100) feet of the property line of an existing extraction or mining operation nor less than two hundred (200) feet from an existing extraction operation;
2. The minimum setback for a kennel and a veterinary hospital shall be fifty (50) feet;
3. The minimum setback for signs shall be five (5) feet; and
4. The minimum setback for accessory uses shall be as provided in subsection 501.06(H).

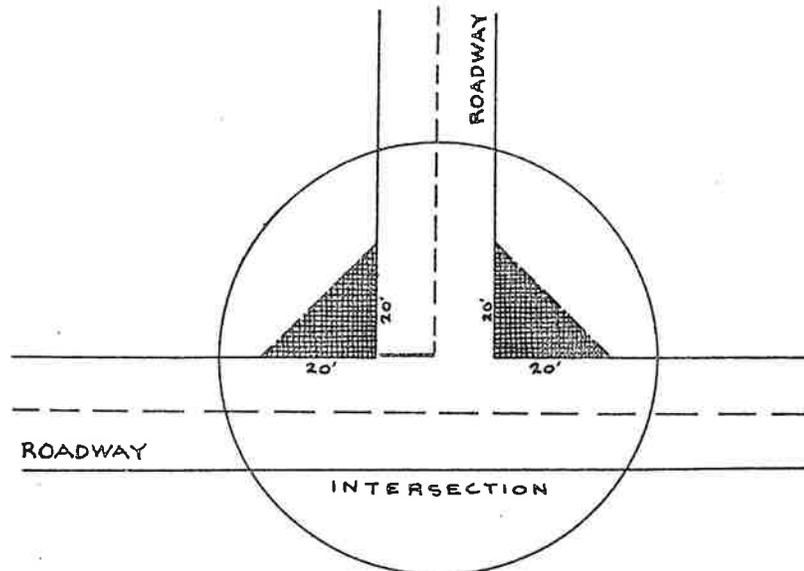
D. Parcel Coverage.

Not applicable, except that for any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

E. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.



A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads; public roads; private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this

corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

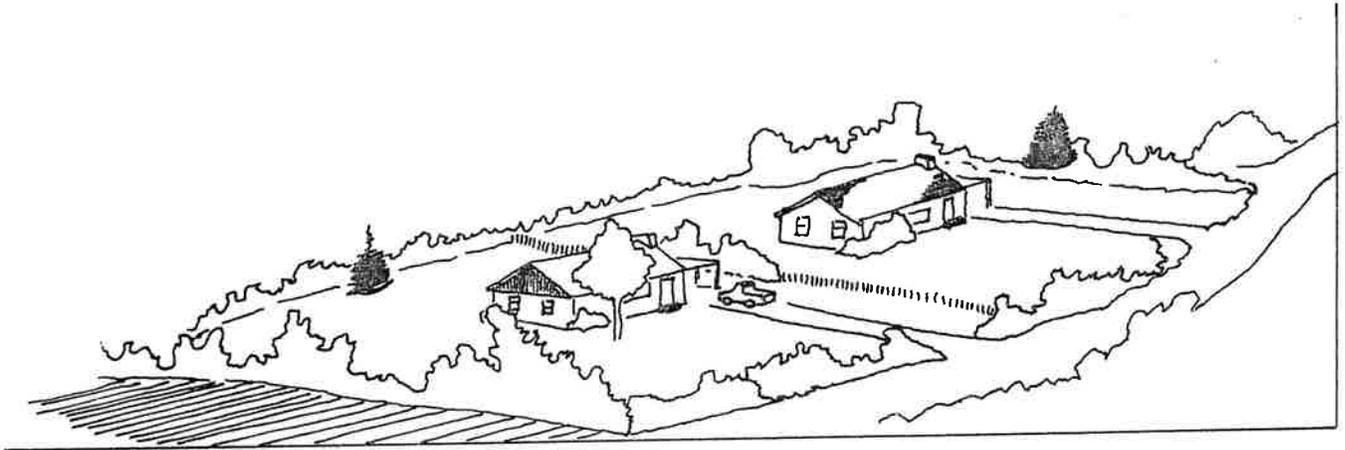
1. Structures.
 - a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.
 - b) An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
 - c) A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.

2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 501.06(F).
3. Storage and Use of Certain Vehicles and Recreational Equipment. One (1) travel trailer only shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests, subject to the Type A application procedure set forth in Section 1301. In no case shall such a travel trailer be occupied for periods totalling more than three (3) months in any year, and in no case shall any travel trailer be used as a principal dwelling or rented unless and until the necessary permits have been obtained.

I. Off-street Parking.

1. In the AF-10 District, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround; and
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the AF-10 District shall be determined by the Director subject to the provisions of Section 1007.

502. VERY LOW DENSITY RESIDENTIAL DISTRICTS (VLDR-5, VLDR-2 1/2, VLDR-1)



502.01 Purpose.

The purpose of the VLDR Districts is to provide for medium-to-high density rural residential development on selected lands identified as Very Low Density Residential in the Comprehensive Plan. The VLDR Districts are intended to accommodate rural residential development at an anticipated magnitude or density level that does not require more than a very basic level of services, such as single local-road access, individual domestic wells and sewage-disposal systems, and rural fire protection. Ultimate density limitations in VLDR Districts shall be determined in part by prevailing lot sizes, and limitations of domestic water sources or soil conditions for subsurface sewage disposal. Opportunities for small-scale or intensive farm and forestry activities compatible with rural residential uses shall be encouraged in the VLDR Districts. In areas immediately adjacent to urban centers, the VLDR Districts are intended as transitional zones between F-40, EF-40, AF-20 and AF-10 Districts and higher-density LDR Districts or urban districts indentified in city comprehensive plans.

502.02 Permitted Uses.

In the VLDR Districts, the following uses shall be permitted subject to the standards and limitations set forth in subsection 502.06:

- A. Farm uses as follows: The current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the raising, harvesting and selling of crops; or for the feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products and other agricultural or horticultural use or animal husbandry; or for any combination thereof. Farm use includes the preparation, storage and marketing of the products raised on such land for man's use and animal use.
- B. Propagation and harvesting of Christmas trees;
- C. Principal Dwelling. If the principal dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- D. Duplex or multi-family dwelling, subject to the planned unit development requirements in Section 903;
- E. Subdivisions, subject to the land division requirements set forth in Ordinance 205;
- F. Residential planned unit developments, subject to Section 903 of this Ordinance and the land division requirements set forth in Ordinance 205;
- G. Accessory uses;
- H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- I. Mobile home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1031 and subject to Section 1009 for temporary permits;
- J. Signs, pursuant to the sign provisions set forth in Section 1006.

502.03 Conditional Uses.

In the VLDR Districts, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Secondary dwelling, in conjunction with a principal dwelling on the same parcel, as follows:
 - 1. Guest house; and
 - 2. Temporary mobile home for family members requiring special care, subject to the following:
 - a. The family member requiring special care is aged, infirm or who, for health-related reasons, is incapable of maintaining a complete separate residence;
 - b. The permit for the mobile home for special care shall be valid for a period of two (2) years or such shorter period as the Director or hearings body determines to be appropriate, provided, however, that such permit may be revoked by the Director at any time if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated; and
 - c. The permit for the mobile home for special care shall be granted to the applicant only and shall not be deemed to run with the land.
 - d. If the secondary dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.
- B. Small business, as defined by this Ordinance, subject to the standards and limitations set forth in Section 1005.
- C. Operations conducted for the exploration of oil, natural gas or geothermal resources;

- D. Kindergarten, day nursery, or day care facility in conjunction with a principal dwelling on the same parcel, subject to the standards for day care facilities set forth in Section 1008;
- E. Community or municipal water-supply system, except within acknowledged service boundaries; and
- F. Community or municipal sanitary-sewer system.

502.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section shall be prohibited in the VLDR Districts.

502.05 Nonconforming Uses.

Nonconforming uses found in the VLDR Districts are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this Ordinance.

502.06 Standards and Limitations.

In the VLDR Districts, the following standards and limitations shall apply:

- A. Dwelling Density.
 - 1. Permitted Uses.
 - a. The maximum overall dwelling density for any new development shall not exceed:
 - (i) one (1) dwelling per five (5) acres in the VLDR-5 District;
 - (ii) one (1) dwelling per two and one-half (2 1/2) acres in the VLDR-2 1/2 District; and
 - (iii) one (1) dwelling per acre in the VLDR-1 District.
 - b. Not more than one (1) principal dwelling shall be permitted on any

parcel, except in the case of a planned unit development and except as follows:

(i) one (1) duplex may be allowed on any ten (10) acre parcel in the VLDR-5 District.

(ii) one (1) duplex may be allowed on any five (5) acre parcel in the VLDR-2 1/2 District; and

(iii) one (1) duplex may be allowed on any two (2) acre parcel in the VLDR-1 District.

c. For the division of any contiguous lands under the same ownership, parcel sizes may be averaged provided that the maximum overall density of the applicable VLDR District is not exceeded, and provided that no parcel shall be below the applicable minimum parcel size established by subsection 502.06(B). In the case of parcel-size averaging, the landowner shall record an affidavit with the County Clerk specifying the imposed conditions which are applicable to the newly-created parcels, including overall residential density, etc.

2. Conditional Uses. Not more than one (1) secondary dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

1. VLDR-5 District.

a. Newly-Created Parcels. The minimum size of any newly-created parcel shall be five (5) acres, except as follows:

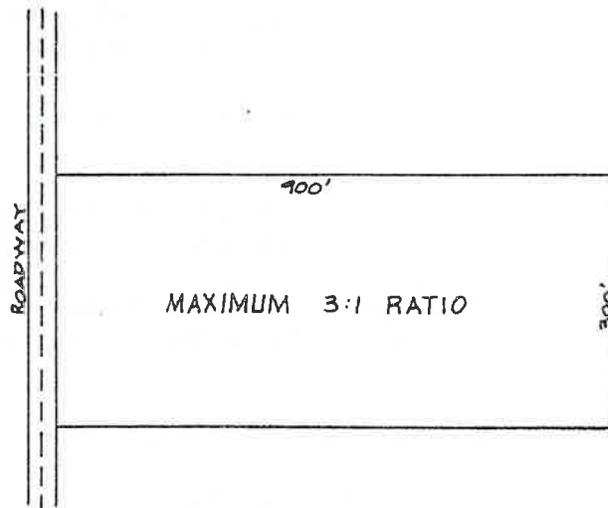
(i) in the case of parcel-size averaging, the minimum parcel size shall be two and one-half (2 1/2) acres;

(ii) in the case of a duplex, the minimum parcel size shall be (10) acres; and

(iii) in the case of a duplex or multi-family planned unit development, the minimum parcel size shall be twenty (20) acres.

b. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this Section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.

c. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.



2. VLDR-2 1/2.

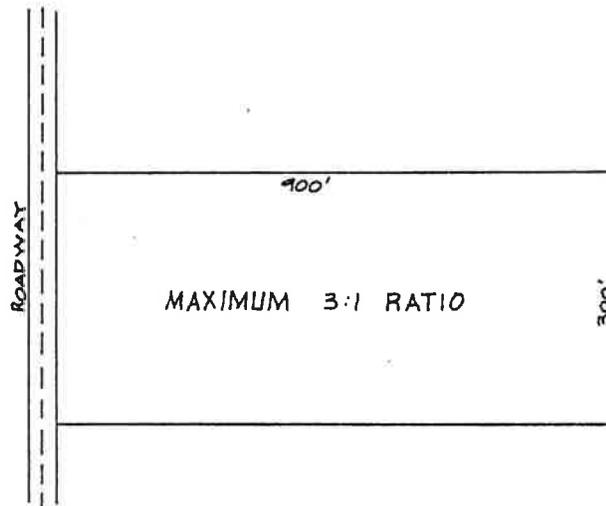
a. Newly-Created Parcels. The minimum size of any newly-created parcel shall be two and one-half (2 1/2) acres, except as follows:

(i) in the case of parcel-size averaging, the minimum parcel size shall be one (1) acre; and

(ii) in the case of a duplex, the minimum parcel shall be five (5) acres; and

(iii) in the case of a residential planned unit development, the minimum parcel size shall be ten (10) acres.

- b) Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this Section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

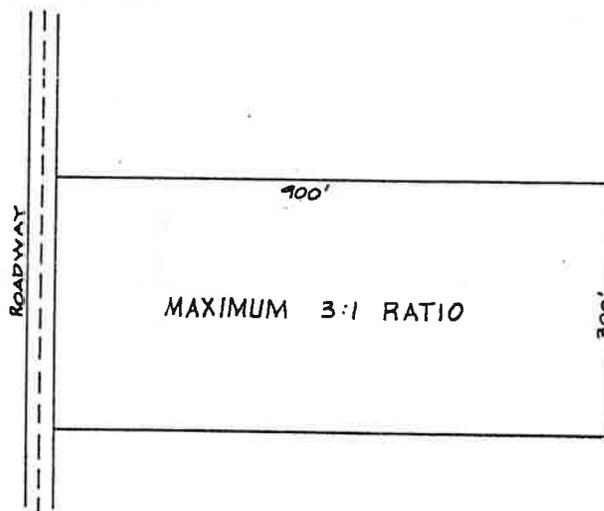


3. VLDR-1.

- a. Newly-Created Parcels. The minimum size of any newly-created parcel shall be one (1) acre, except as follows:
- (i) in the case of parcel-size averaging, the minimum parcel size shall be 20,000 square feet; and
 - (ii) in the case of a duplex, the minimum parcel size shall be two (2) acres; and

(iii) in the case of a residential planned unit development, the minimum parcel size shall be five (5) acres.

- b. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this Section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- c. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.



C. Setbacks.

The following setback requirements apply to all VLDR Districts unless varied or waived by a planned unit development, subject to Section 903:

- 1. Front Yard. The minimum front yard setback shall be thirty (30) feet except as follows:
 - a. No dwelling shall be located within one hundred (100) feet of the property line of an existing extraction or mining

operation nor less than two hundred (200) feet from an existing extraction operation.

- b. The minimum setback for all yards for signs shall be five (5) feet; and
- c. No structure housing livestock shall be located within fifty (50) feet of any front parcel line, twenty-five (25) feet of any other parcel line, and forty (40) feet of any dwelling.

2. Side and Rear Yard. The minimum side and rear yard setbacks shall be fifteen (15) feet, except as provided above and as provided for accessory uses in subsection 502.06(H).

D. Parcel Coverage.

For any parcel of one (1) acre or more, but less than ten (10) acres, the maximum parcel coverage shall be ten (10) percent. For any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

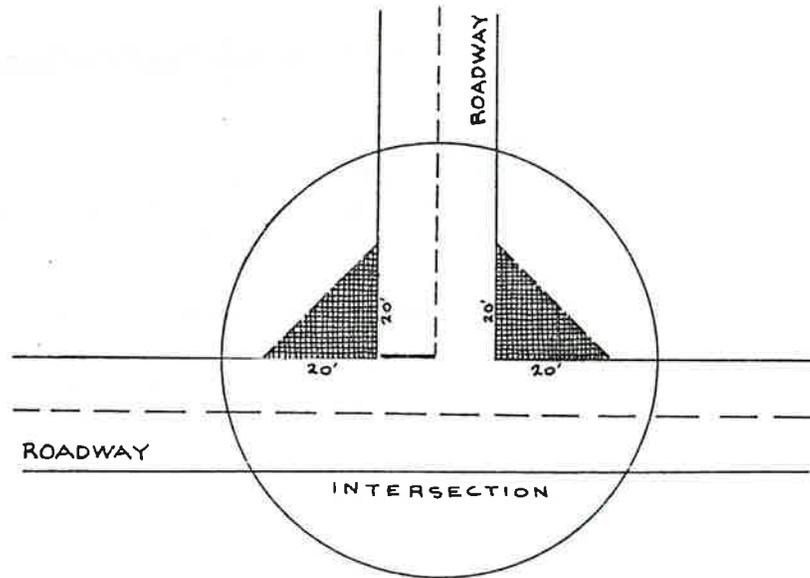
E. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent

to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.



G. Height.

1. The maximum building height for any dwelling shall be twenty-five (25) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet, except for accessory structures on any parcel of less than ten (10) acres the maximum building height shall be twenty-five (25) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.

a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.

b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.

c. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.

2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 502.06(F).

3. Storage and Use of Certain Vehicles and Recreational Equipment. One (1) travel trailer only shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests, subject to the Type A application procedure set forth in Section 1301. In no case shall such a travel trailer be occupied for periods totalling more than three (3) months in any year, and in no case shall any travel trailer be used as a principal dwelling or rented unless and until the necessary permits have been obtained.

I. Off-street Parking.

1. In the VLDR Districts, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround; and

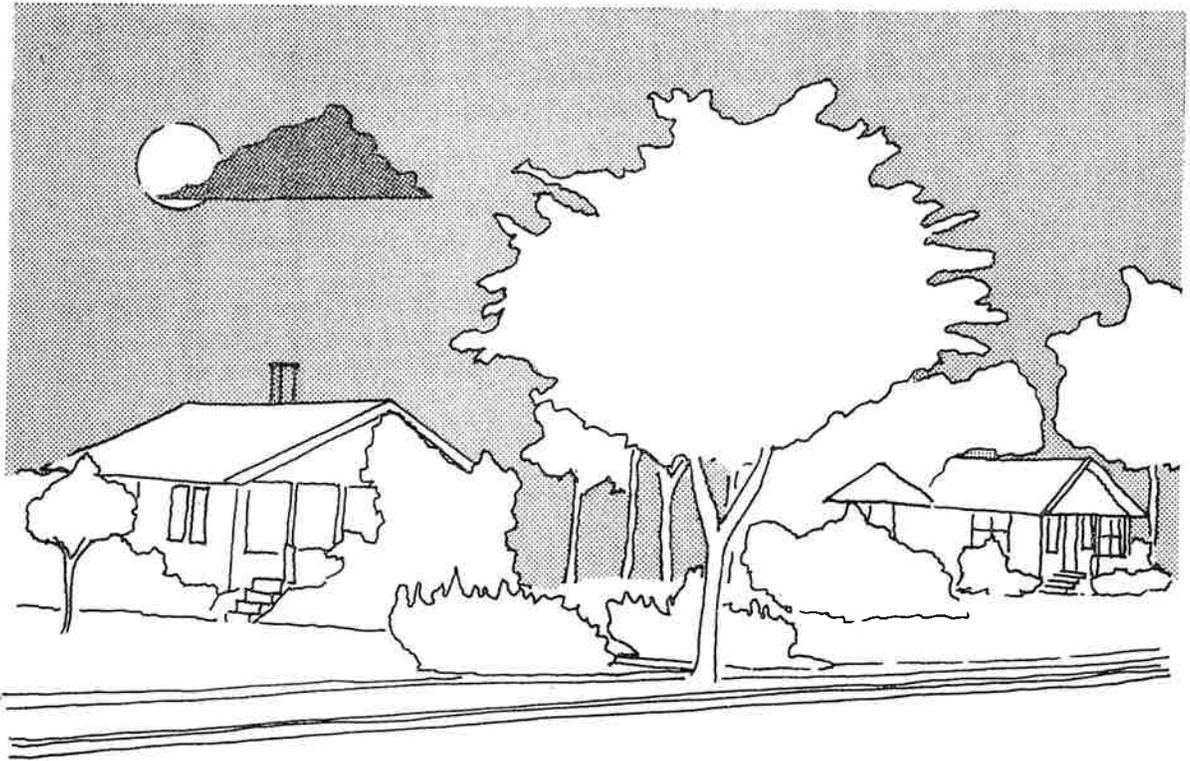
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the VLDR Districts, including multi-family dwellings, shall be determined by the Director subject to the provisions of Section 1007.

J. Livestock.

The keeping of livestock shall be allowed subject to the following restrictions:

1. On any parcel of one-half (1/2) acre or less, the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25) and no other livestock of any kind shall be permitted;
2. On any parcel of less than ten (10) acres, the total number of horses, cows, sheep, pigs, goats and other similar large animals over the age of six (6) months shall not exceed one (1) for each one (1) acre of parcel area;
3. On any parcel of less than ten (10) acres, the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25), plus one (1) for each five hundred (500) square feet of parcel area in excess of one-half (1/2) acre and the total number of bee colonies shall not exceed one (1) per two thousand (2,000) square feet of parcel area;
4. All livestock shall be properly fenced and contained so as to minimize adverse impacts to surrounding property owners; and
5. All animal food shall be stored in metal or other rodent-proof receptacles.

503. LOW DENSITY RESIDENTIAL DISTRICTS (LDR-12,000,
LDR-9,000, LDR-6,750)



503.01 **Purpose.**

The purpose of the LDR Districts is to provide for high-density rural residential development on selected lands identified as Low Density Residential in the Comprehensive Plan. The LDR Districts are intended to accommodate rural residential development in locations generally adjacent to urban centers and are characterized by patterns of subdivision or partitioning creating a scale of service and access requirements that are complementary or similar to city residential zones. Depending upon location, LDR Districts may be converted in a timely and orderly manner through annexation to city residential lands. The LDR Districts shall apply only to those lands zoned LDR at the time of adoption of this Ordinance.

503.02 **Permitted Uses.**

In the LDR Districts, the following uses shall be permitted subject to the standards and limitations set forth in subsection 503.06:

- A. Principal Dwelling. A principal dwelling which is a mobile home shall, in addition to the requirements of Section 503, also be subject to the mobile home standards set forth in Section 1002;
- B. Duplex or multi-family dwelling, subject to the planned unit development requirements in Section 903;
- C. Subdivisions, subject to the land division requirements set forth in Ordinance 205;
- D. Residential planned unit developments, subject to Section 903 of this Ordinance and the land division requirements set forth in Ordinance 205;
- E. Accessory uses;
- F. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- G. Mobile home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;
- H. Signs, pursuant to the sign provisions set forth in Section 1006.

503.03 Conditional Uses.

In the LDR Districts, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Small business, as defined by this Ordinance, subject to the standards and limitations set forth in Section 1005; and
- B. Kindergarten, pre-school nursery, or day care facility in conjunction with a principal dwelling on the same parcel, subject to the standards for day care facilities set forth in Section 1008.

503.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section are prohibited in the LDR Districts.

503.05 Nonconforming Uses.

Nonconforming uses found in the LDR Districts are subject to the provisions of Section 1205 as well as any other applicable provisions of this Ordinance.

503.06 Standards and Limitations.

In the LDR Districts, the following standards and limitations shall apply:

A. Dwelling Density.

1. The maximum overall dwelling density for any new development shall not exceed:

a. One (1) dwelling per twelve thousand (12,000) square feet in the LDR-12,000 District;

b. One (1) dwelling per nine thousand (9,000) square feet in the LDR-9,000 District; and

c. One (1) dwelling per six thousand seven hundred fifty (6,750) square feet in the LDR-6,750 District.

2. Not more than one (1) principal dwelling shall be permitted on any parcel, except in the case of a planned unit development, and except as follows:

a. For the division of any contiguous lands under the same ownership, parcel sizes may be averaged provided that the maximum overall density of the applicable LDR District is not exceeded and provided that no parcel shall be below the applicable minimum parcel size established by subsection 503.06(B). In the case of parcel-size averaging, appropriate conditions shall be imposed to prevent redivision of oversized

parcels which would exceed the maximum overall residential density requirements of the applicable LDR District.

B. Parcel Size and Dimension.

1. LDR-12,000 District.

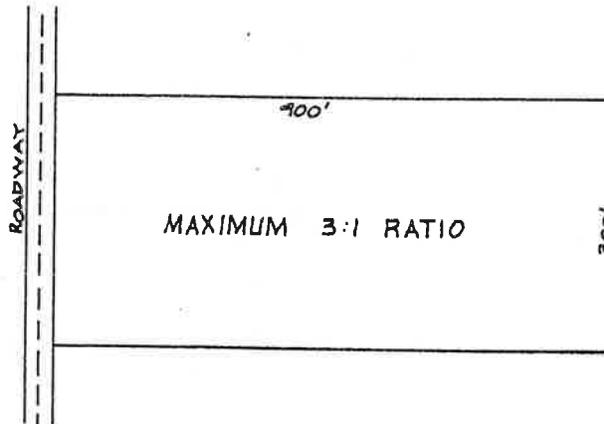
a. Newly-Created Parcels. The minimum size of any newly-created parcel shall be twelve thousand (12,000) square feet, except as follows:

(i) in the case of parcel-size averaging, the minimum parcel size shall be nine thousand (9,000) square feet; and

(ii) in the case of a duplex or multi-family planned unit development, the minimum parcel size shall be two (2) acres.

b. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this Section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.

c. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.



2. LDR-9,000 District.

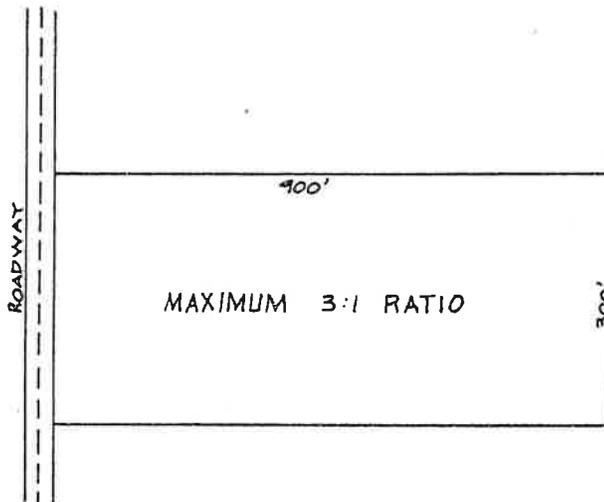
a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be nine thousand (9,000) square feet, except as follows:

(i) in the case of parcel-size averaging, the minimum parcel size shall be six thousand seven hundred fifty (6,750) square feet; and

(ii) in the case of a duplex or multi-family planned unit development, the minimum parcel size shall be two (2) acres.

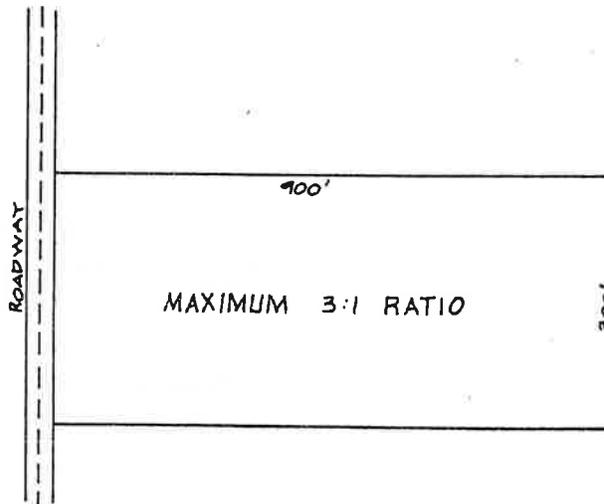
b. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this Section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.

c. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.



3. LDR-6,750 District.

- a. Newly-Created Parcels. The minimum size of any newly-created parcel shall be six thousand seven hundred fifty (6,750) square feet, except as follows:
- (i) in the case of parcel-size averaging, the minimum parcel size shall be six thousand (6,000) square feet; and
 - (ii) in the case of duplex or multi-family planned unit development, the minimum parcel size shall be one (1) acre.
- b. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this Section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- c. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.



C. Setbacks.

The following setback requirements apply to all LDR Districts unless varied or waived under a Planned Unit Development, subject to Section 903:

1. Front Yard. The minimum front yard setback shall be thirty (30) feet except as follows:
 - a. No dwelling shall be located within one hundred (100) feet of the property line of an existing extraction or mining operation nor less than two hundred (200) feet from an existing extraction operation; and
 - b. The minimum setback for all yards for signs shall be five (5) feet.
2. Side and Rear Yard. The minimum side and rear yard setbacks shall be ten (10) feet except as provided above and as provided for accessory uses in subsection 503.06(H).

D. Parcel Coverage.

For any parcel of one (1) acre or more, but less than ten (10) acres, the maximum parcel coverage shall be ten (10) percent. For any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

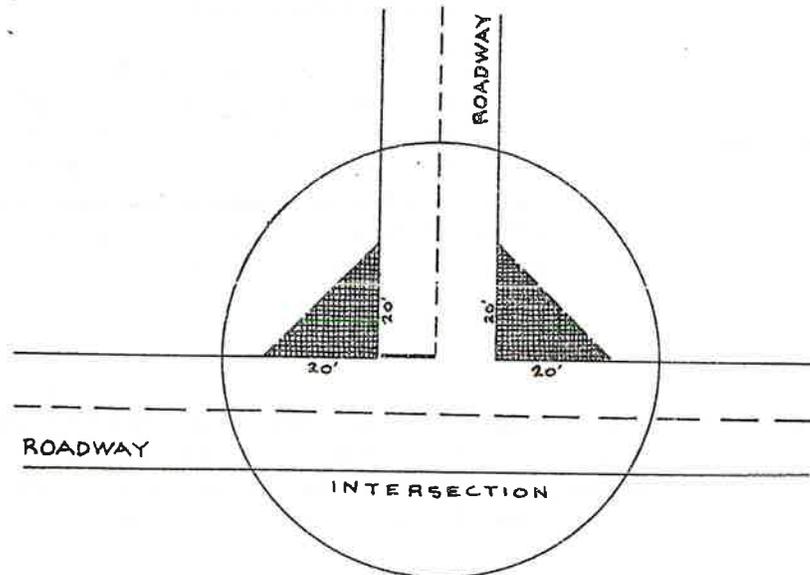
E. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels; and

railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.



G. Height.

1. The maximum building height for any dwelling shall be twenty-five (25) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet, except for accessory structures on any lot of less than ten (10) acres the maximum building height shall be twenty-five (25) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.

- a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.
- b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
- c. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.

2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 503.06(F).

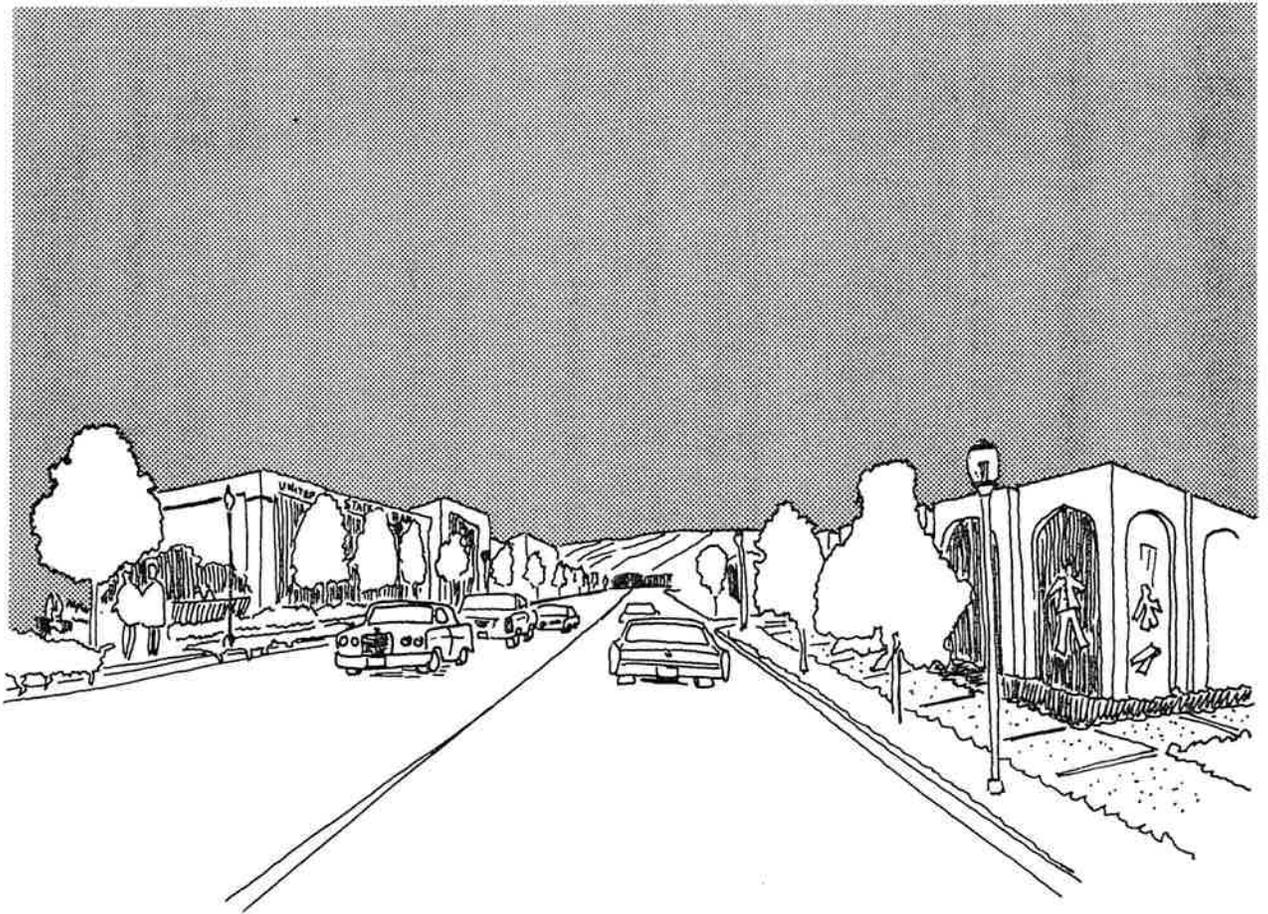
3. Storage and Use of Certain Vehicles and Recreational Equipment. One (1) travel trailer only shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests, subject to the Type A application procedure set forth in Section 1301. In no case shall such a travel trailer be occupied for periods totalling more than three (3) months in any year, and in no case shall any travel trailer be used as a principal dwelling or rented unless and until the necessary permits have been obtained.

I. Off-street Parking.

1. In the LDR Districts, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround; and

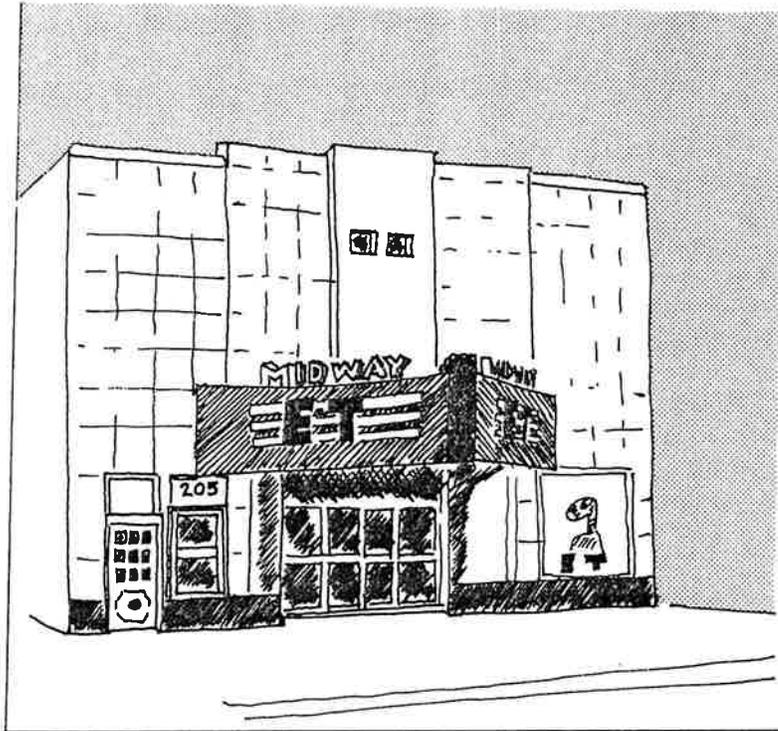
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the LDR Districts shall be determined by the Director subject to the provisions of Section 1007.

SECTION 600
COMMERCIAL DISTRICTS



601.

RECREATION COMMERCIAL DISTRICT (RC)



601.01 Purpose.

The purpose of the RC District is to provide specialized commercial services in conjunction with a recreational use. This District is intended to meet present foreseeable demand for recreational commercial services both inside and outside urban growth boundaries where special location and space requirements are necessary for the recreational use. The size and intensity of development or facilities and uses within this District shall be commensurate with the capability of land and water areas to support the uses intended, and shall not result in any unusual service demands on nearby urban centers.

601.02 Permitted Uses.

In the RC District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 601.07, and pursuant to Section 1101 for site design review:

- A. Resort;
- B. Entertainment facility, food store (maximum floor area of two thousand (2,000) square feet), gift, souvenir or antique shop, motel, restaurant or other similar uses in conjunction with a resort;
- C. Indoor commercial recreation facility;
- D. Driving range, not in conjunction with a golf course;
- E. Miniature golf;
- F. Travel trailer park, subject to the travel trailer park provisions of Section 1003;
- G. Dwelling in conjunction with a permitted use. If a dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- H. Accessory uses;
- I. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- J. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301;
- K. Community or municipal water supply system;
- L. Community or municipal sewer system; and
- M. Signs, pursuant to the sign provisions set forth in Section 1006.

601.03 Conditional Uses.

In the RC District, pursuant to the Type B application procedure as set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Drive-in theater;
- B. Open-land commercial or private recreation use, such as zoo, racing circuit, motorcycle hill climb, skydiving facility and similar uses; and
- C. Home occupation, subject to the standards and limitations set forth in Section 1004.

601.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this District that is similar in character, scale and performance to the permitted uses specified in subsection 601.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

601.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section, and not allowed as a similar use, are prohibited in the RC District.

601.06 Nonconforming Uses.

Nonconforming uses found in the RC District are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this Ordinance.

601.07 Standards and Limitations.

In the RC District, the following standards and limitations shall apply:

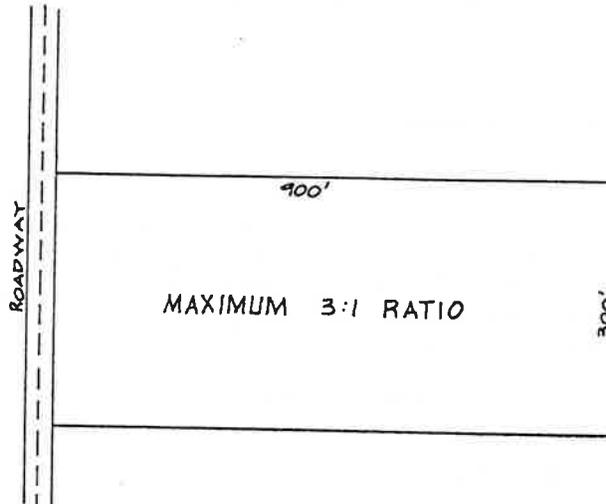
A. Dwelling Density.

Not more than one (1) dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

- 1. Minimum Parcel Size. The minimum parcel size for any use, including a PUD, shall be two (2) acres.

2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.



C. Setbacks.

1. Front Yard. The minimum front yard setback shall be thirty (30) feet, except as follows:
 - a. The minimum setback for all yards for a travel trailer park shall be twenty (20) feet when abutting a road and otherwise shall be ten (10) feet for all yards; and
 - b. The minimum setback for all yards for signs shall be five (5) feet.
2. Side and Rear Yard. The minimum side and rear yard setbacks shall be thirty (30) feet, except as provided above and as provided for accessory uses in subsection 601.07(G).

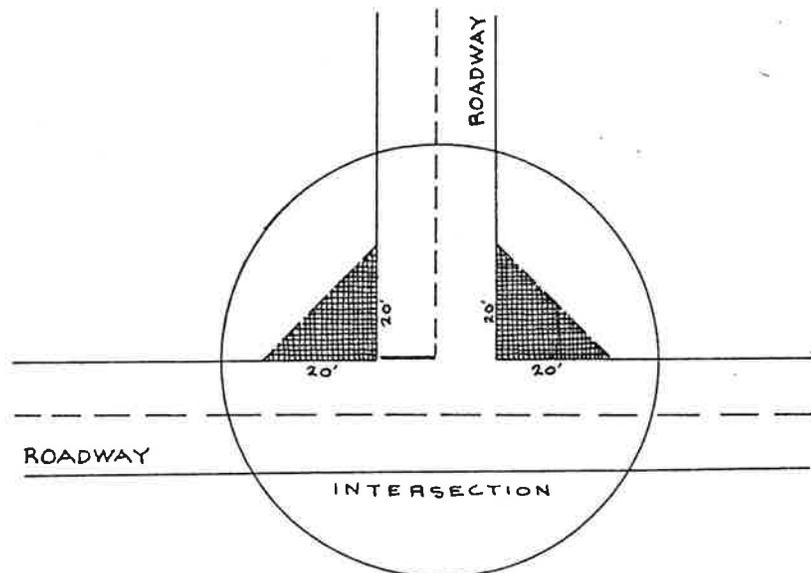
D. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which

also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Amhill County.

E. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.



F. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;

2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

G. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.

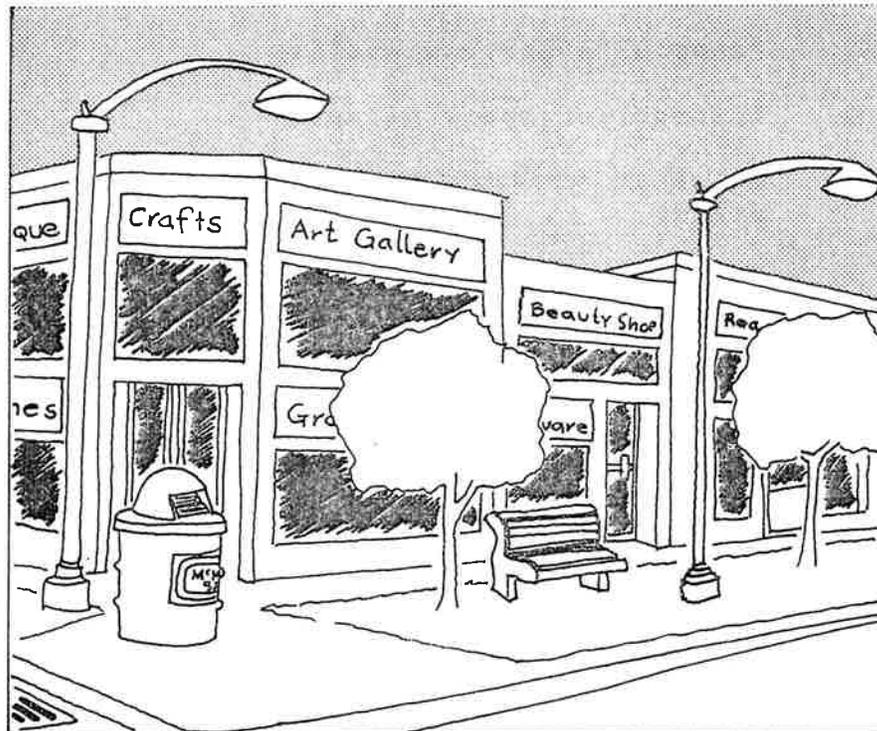
- a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.
 - b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
 - c. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 601.07 (E).

I. Off-street Parking.

Off-street parking and loading requirements for any use in the RC District shall be as provided in Section 1007.

602.

NEIGHBORHOOD COMMERCIAL DISTRICT (NC)



602.01 Purpose.

The purpose of the NC District is to provide limited convenience commercial services for a specific residential market area outside urban growth boundaries. This District is intended to maintain the service function of rural hamlets in the County; or to locate a present foreseeable demand for small-scale, local convenience centers in an area where access, traffic-turning movements and off-street parking can be provided in a convenient and economic manner. The size of such centers shall reflect real market demand in the residential areas to be served and the spacing of such centers shall be commensurate with the spacing of existing centers and arterial or collector intersections. In areas adjacent to Highways 99W and 18, the layout and design of such centers shall ensure that the view from the highway and rural atmosphere of the County are not impaired and that the scale and service requirements of the facilities do not have an adverse impact on, unduly compete with, or place any unusual service demands on nearby urban centers.

602.02 Permitted Uses.

In the NC District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 602.07 and pursuant to Section 1101 for site design review:

- A. Automobile service station;
- B. Automobile repair garage;
- C. Drive-in restaurant, restaurant, or refreshment stand;
- D. Food store, maximum floor area of two thousand (2,000) square feet;
- E. Dwelling in conjunction with a permitted use. If a dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- F. Accessory uses;
- G. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector.
- H. Community or municipal water supply system;
- I. Community or municipal sewer system; and
- J. Signs, pursuant to the sign provisions set forth in Section 1006.

602.03 Conditional Uses.

In the NC District, pursuant to the Type B application procedure as set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Home occupation, subject to the standards and limitations set forth in Section 1004; and

B. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10.

602.04 Similar Uses.

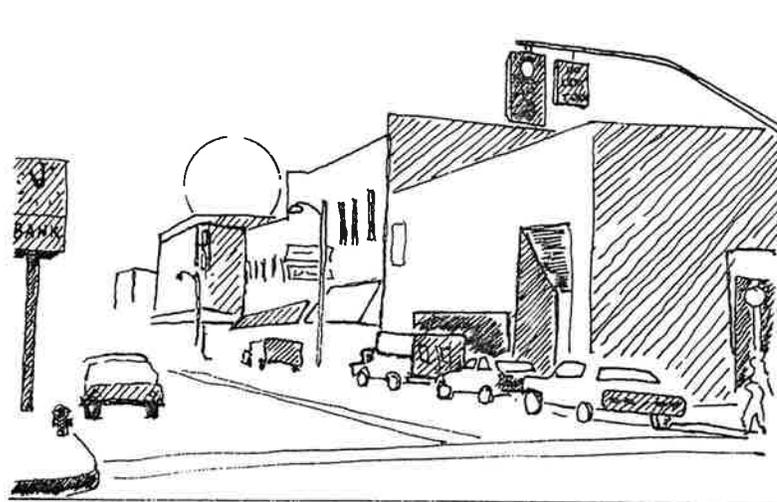
Any use not specifically listed as a permitted or conditional use in this District that is similar in character, scale and performance to the permitted uses specified in subsection 602.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

602.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section, and not allowed as a similar use, are prohibited in the NC District.

602.06 Nonconforming Uses.

Nonconforming uses found in the NC District are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this Ordinance.



602.07 Standards and Limitations.

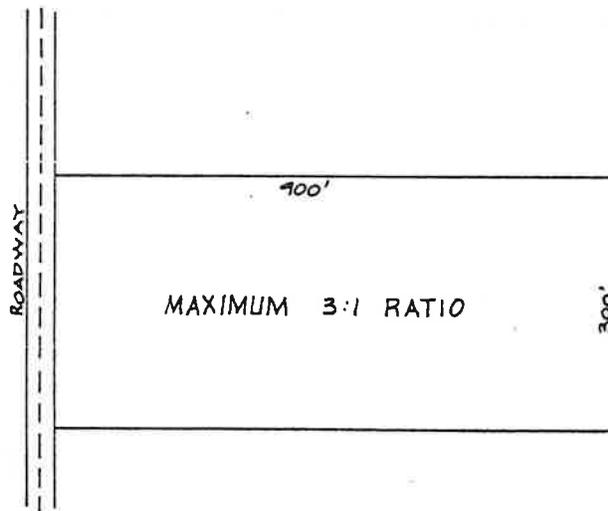
In the NC District, the following standards and limitations shall apply:

A. Dwelling Density.

Not more than one (1) dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

1. Minimum Parcel Size. The minimum parcel size for any use shall be 20,000 square feet, except the minimum parcel size for a planned unit development shall be two (2) acres.
2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.



C. Setbacks.

1. Front Yard. The minimum front yard setback shall be thirty (30) feet, except that the minimum setback for all yards for signs shall be five (5) feet.
2. Side and Rear Yard. The minimum side and rear yard setbacks shall be ten (10) feet, except as provided above and as provided for accessory uses in subsection 602.07(H).

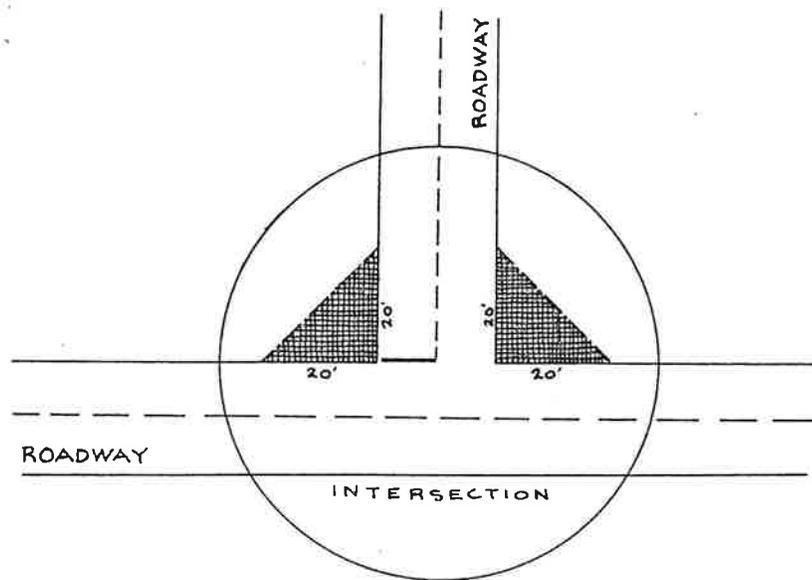
D. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

E. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.



A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels, and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are

maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

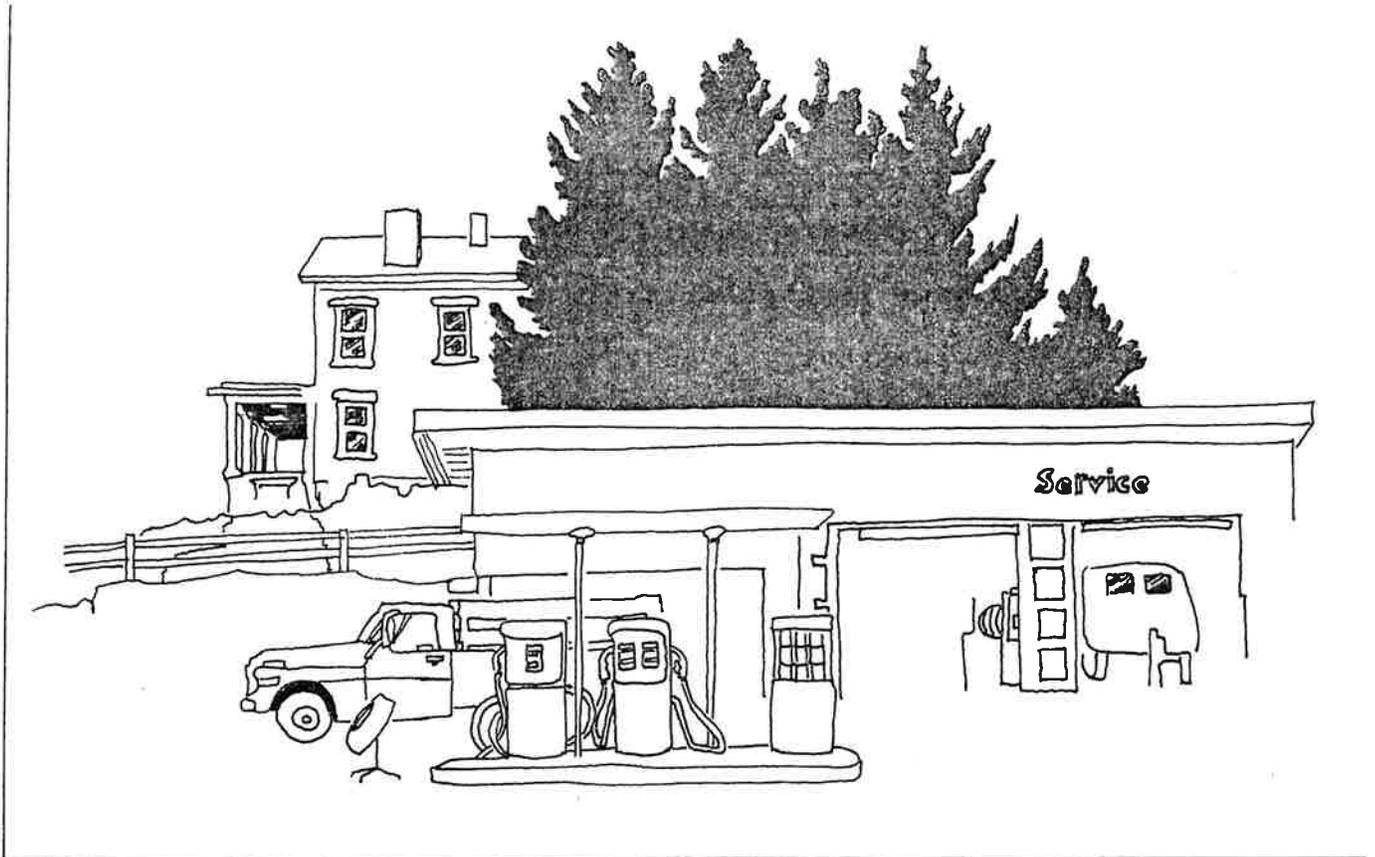
1. Structures.
 - a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.
 - b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
 - c. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 602.07(F).

I. Off-street Parking.

Off-street parking and loading requirements for any use in the NC District shall be as provided in Section 1007.

603.

HIGHWAY/TOURIST COMMERCIAL DISTRICT (HC)



603.01 Purpose.

The purpose of the HC District is to provide limited, small-scale highway and tourist commercial services for the traveling public in specially designated highway-service centers where access, traffic-turning movements and off-street parking can be provided in a safe, convenient, economic and attractive manner. The establishment of an HC District shall be based on present foreseeable demand for limited services to the traveling public. In areas adjacent to Highways 99W and 18, the size, spacing, layout and design of such centers shall ensure that the view from the highway and the rural atmosphere of the County are not impaired; and that the scale and service requirements of the facilities do not have an adverse impact on, unduly compete with, or place any unusual service demands on nearby urban centers.

603.02 Permitted Uses.

In the HC District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 603.07 and pursuant to Section 1101 for site design review:

- A. Automobile service station;
- B. Drive-in restaurant, restaurant, or refreshment stand;
- C. Food store, maximum floor area of two thousand (2,000) square feet;
- D. Fruit or vegetable stand, commercial;
- E. Gift, souvenir or antique shop;
- F. Motel;
- G. Dwelling in conjunction with a permitted use. If a dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- H. Accessory uses;
- I. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- J. Community or municipal water supply system;
- K. Community or municipal sewer system; and
- L. Signs, pursuant to the sign provisions set forth in Section 1006.

603.03 Conditional Uses.

In the HC District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Home occupation, subject to the standards and limitations set forth in Section 1004; and
- B. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements of subsection 404.10.

603.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this District that is similar in character, scale and performance to the permitted uses specified in subsection 603.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

603.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section, and not allowed as a similar use, are prohibited in the HC District.

603.06 Nonconforming Uses.

Nonconforming uses found in the HC District are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this Ordinance.

603.07 Standards and Limitations.

In the HC District, the following standards and limitations shall apply:

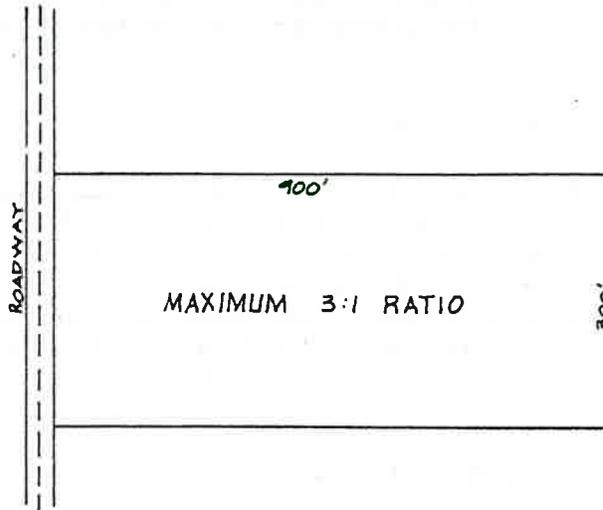
A. Dwelling Density.

Not more than one (1) dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

- 1. Minimum Parcel Size. The minimum parcel size shall be 20,000 square feet for any use, except the minimum parcel size for a motel shall be one (1) acre and the minimum parcel size for a planned unit development shall be two (2) acres.

2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.



C. Setbacks.

1. Front Yard. The minimum front yard setback shall be thirty (30) feet, except that the minimum setback for all yards for signs shall be five (5) feet.
2. Side and Rear Yard. The minimum side and rear yard setbacks shall be ten (10) feet, except as provided above and as provided for accessory structures in subsection 603.07(H).

D. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

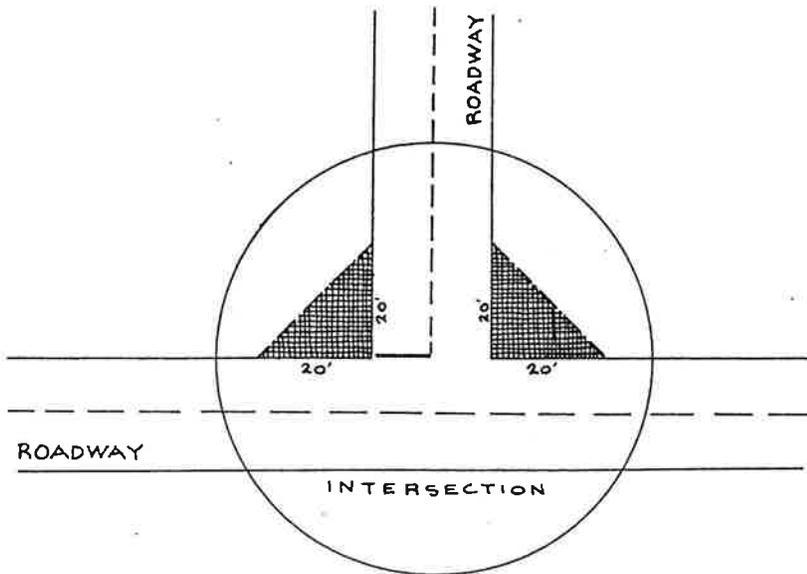
E. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be

construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels, and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.



G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;

2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.

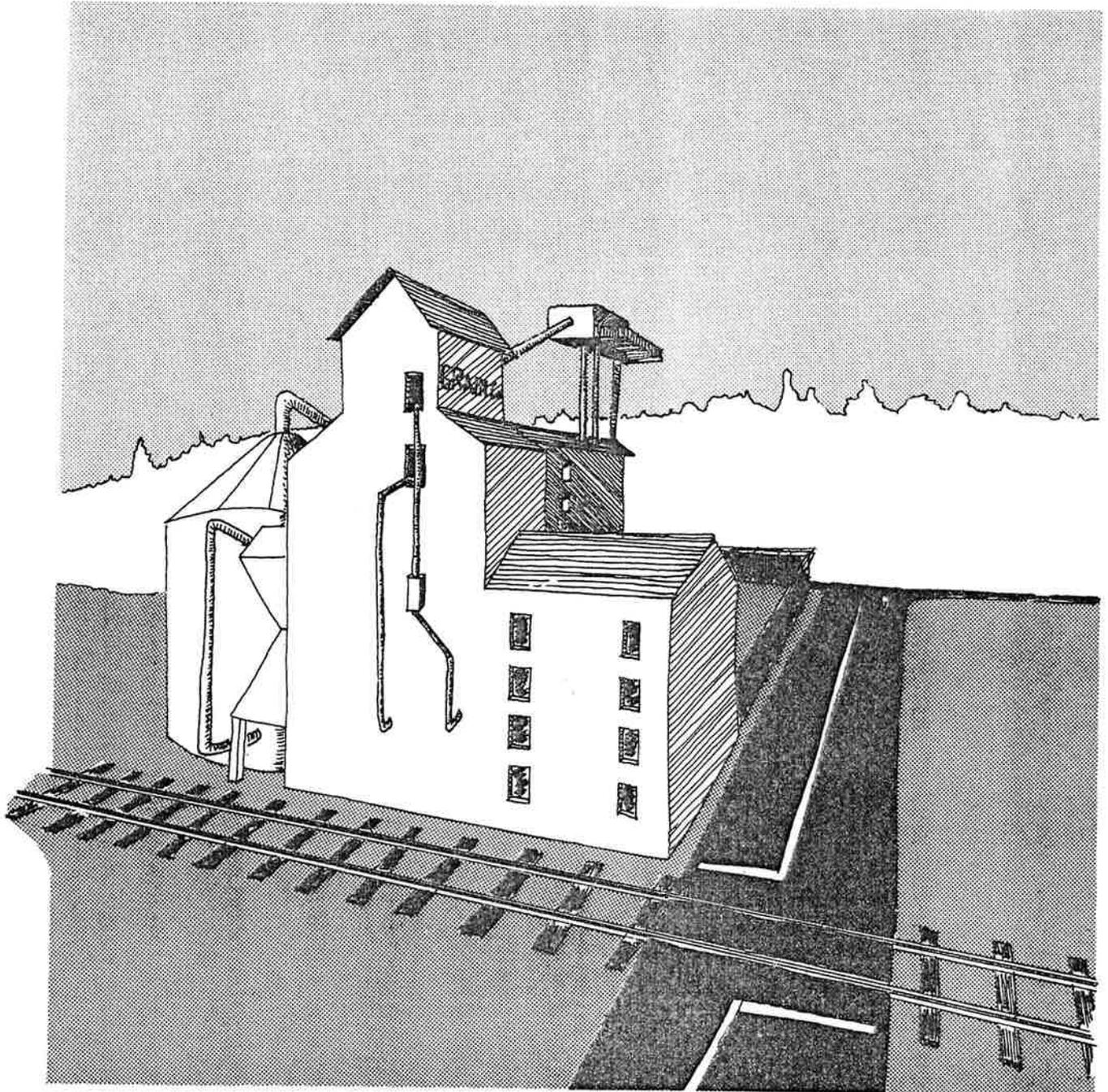
- a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.
- b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
- c. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.

2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 603.07(F).

I. Off-street Parking.

Off-street parking and loading requirements for any use in the HC District shall be as provided in Section 1007.

SECTION 700
INDUSTRIAL DISTRICTS



701. RESOURCE INDUSTRIAL DISTRICT (RI)

701.01 **Purpose.**

The purpose of the RI District is to accommodate the present foreseeable demand for food-packaging and processing industries in areas close to the resources utilized, where high weight or bulk, low-value, perishable produce must be transported short distances in short time to processing plants. Such uses shall be compatible with existing or projected urban development, and shall not require municipal water supply, municipal sewage services, or other municipal services, and shall coordinate site and building design through application of the site design review process.

701.02 **Permitted Uses.**

In the RI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 701.07, and pursuant to Section 1101 for site design review:

- A. Fruit, nut or vegetable packing, processing, warehousing or cold storage operations;
- B. Winery;
- C. Wholesale nursery;
- D. Dwelling for caretaker or watchman in conjunction with a permitted use. If a dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- E. Accessory uses;
- F. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- G. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301;
- H. Community or municipal sewer system; and

- I. Signs, pursuant to the sign provisions set forth in Section 1006.

701.03 Conditional Uses.

In the RI District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Home occupation, subject to the standards and limitations set forth in Section 1004; and
- B. Livestock packing, processing and warehousing.

701.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this District that is similar in character, scale and performance to the permitted uses specified in subsection 701.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

701.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section, and not allowed as a similar use, are prohibited in the RI District.

701.06 Nonconforming Uses.

Nonconforming uses found in the RI District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this Ordinance.

701.07 Standards and Limitations.

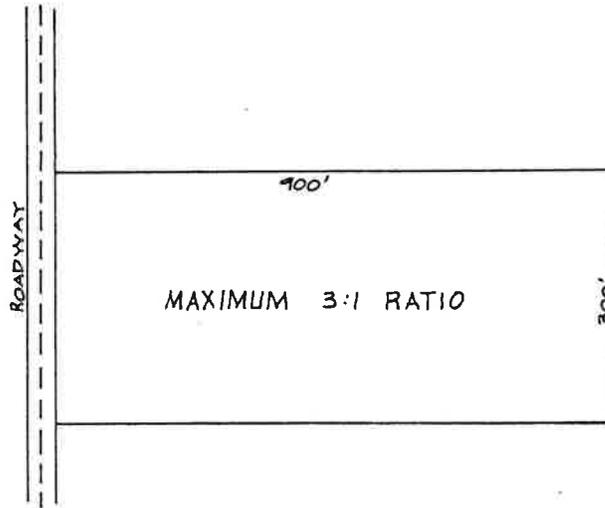
In the RI District, the following standards and limitations shall apply:

- A. Dwelling Density.

1. Permitted Uses. Not more than one (1) dwelling, as allowed for a caretaker or watchman in conjunction with a permitted use, shall be allowed on any parcel.
2. Conditional Uses. The maximum overall dwelling density for any dwelling allowed by conditional use shall be established by the decision-making body subject to Section 1101 for site design review.

B. Parcel Size and Dimension.

1. Minimum Parcel Size. The minimum parcel size for any use shall be one (1) acre.
2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.



C. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except five (5) feet for all yards for signs, and except as provided for accessory uses in subsection 701.07(H).

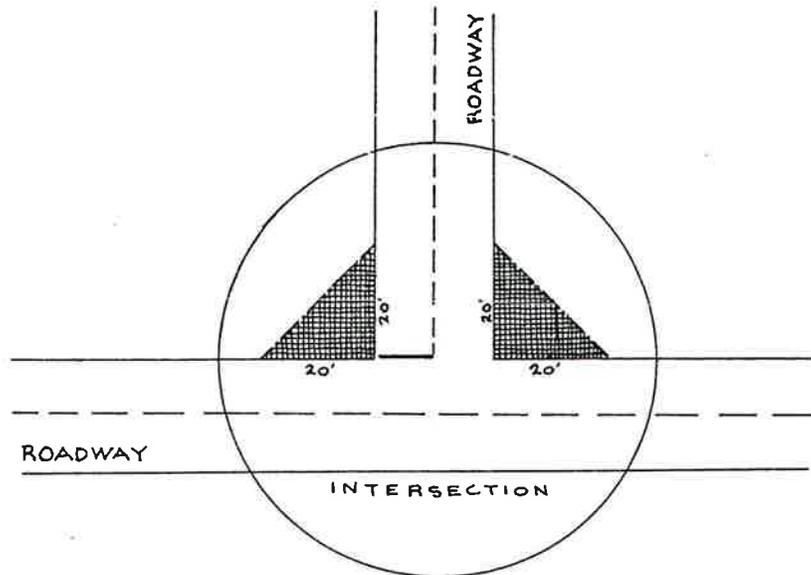
D. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

E. Access.

Before a dwelling may be established on any lot or parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.



A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads; public roads; private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this

height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.

- a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel.
- b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.

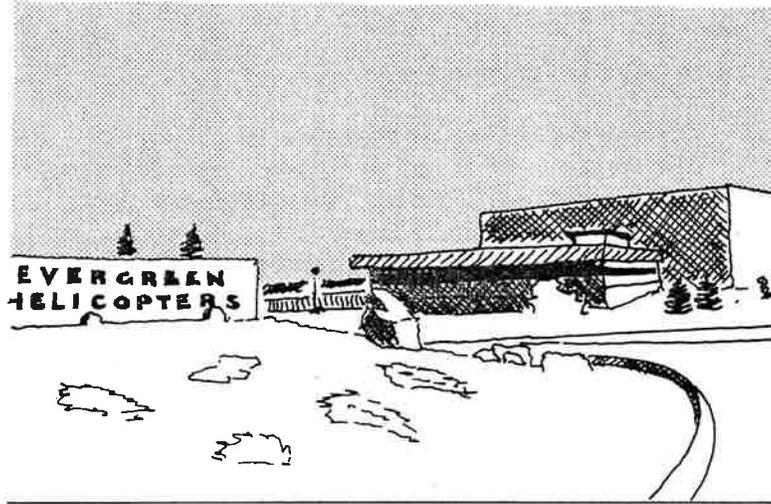
2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision requirements of subsection 701.07(F).

I. Off-street Parking.

Off-street parking and loading requirements for any use in the RI District shall be as provided in Section 1007.

702.

LIGHT/GENERAL INDUSTRIAL DISTRICT (LI)



702.01 Purpose.

The purpose of the LI District is to provide for light and general industrial uses with similar service needs within urban growth boundaries and in other locations which are or will be compatible with adjacent urban development. Such areas shall maintain high performance standards for light and general industrial uses and shall coordinate site and building design through application of the site design review process.

702.02 Permitted Uses.

In the LI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 702.07 and pursuant to Section 1101 for site design review:

- A. Manufacture of machine tools, medical and dental equipment, electronic instruments, mobile homes, and food products not generating noxious odors;
- B. Farm, industrial or contractors equipment or materials manufacture, storage, sales, repair or service, including automobile repair garage;
- C. Warehousing, wholesale storage and distribution, and motor freight terminals contained only within a building;

- D. Fruit, nut or vegetable packing, processing warehousing or cold storage operations;
- E. Winery;
- F. Veterinary hospital;
- G. Accessory uses;
- H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- I. Community or municipal water supply system;
- J. Community or municipal sewer system; and
- K. Signs, pursuant to the sign provisions set forth in Section 1006.

702.03 Conditional Uses.

In the LI District pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this Ordinance, the following use may be allowed conditionally:

- A. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301.

702.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this District, that is similar in character, scale and performance to the permitted uses specified in subsection 702.02 may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

702.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section, and not allowed as a similar use, are prohibited in the LI District.

702.06 Nonconforming Uses.

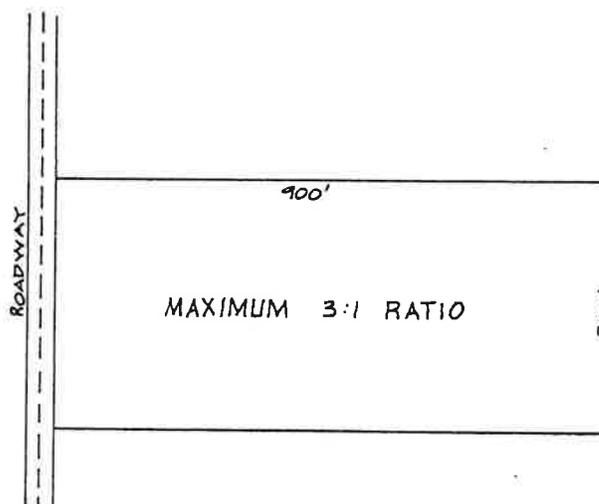
Nonconforming uses found in the LI District are subject to the nonconforming use provisions of Section 1205 as well to any other applicable provisions of this Ordinance.

702.07 Standards and Limitations.

In the LI District, the following standards and limitations shall apply:

A. Parcel Size and Dimension.

1. Minimum Parcel Size. The minimum parcel size for any use shall be 20,000 square feet.
2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.



B. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except five (5) feet for

all yards for signs and except as provided for accessory uses in subsection 702.07(G).

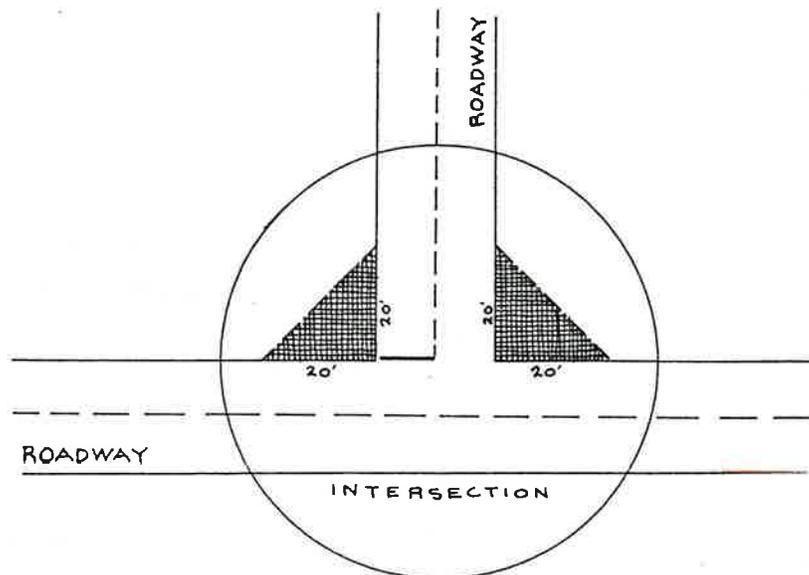
C. Parcel Coverage.

The maximum parcel coverage shall be thirty (30) percent for any use.

D. Access.

Before a dwelling may be established on any lot or parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

E. Clear-Vision Areas.



A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads; public roads; private roads serving four or more

parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

1. The maximum building height for any dwelling shall be forty-five (45) feet; and
2. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

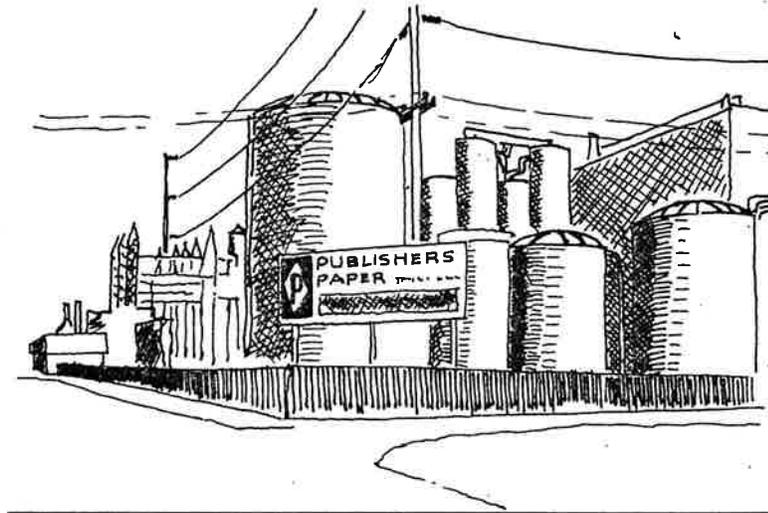
1. Structures.
 - a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel.
 - b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision requirements of subsection 702.07(D).

I. Off-street Parking.

Off-street parking and loading requirements for any use in the LI District shall be as provided in Section 1007.

703.

HEAVY INDUSTRIAL DISTRICT (HI)



703.01 Purpose.

The purpose of the HI District is to provide for industrial uses with high-nuisance characteristics that are incompatible with adjacent urban residential uses or for industrial uses where space or performance characteristics demand a specialized locale. All required services shall be available to the site, including necessary major utility lines and sewer and water facilities. Whenever appropriate, heavy industrial uses shall be located within urban growth boundaries so that necessary urban-level services can be provided in an efficient and economic manner.

703.02 Permitted Uses.

In the HI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 703.07, and pursuant to Section 1101 for site design review:

- A. Grain elevators, feed mills and seed cleaning plants;
- B. Manufacture of forest products, including sawmills, planing mills, plywood and particle board plants and pulp and paper mills;

- C. Auto wrecking yards;
- D. Animal slaughtering, meat-packing and rendering plants;
- E. Facilities for the processing or production of oil, natural gas, geothermal resources or other hydrocarbons;
- F. Manufacture of clay products, brick, tile and cement and including mining of materials used in production;
- G. Outdoor storage of raw materials or finished products associated with any permitted use;
- H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- I. Community or municipal water supply system;
- J. Community or municipal sewer system; and
- K. Signs, pursuant to the sign provisions set forth in Section 1006.

703.03 Conditional Uses.

In the HI District, no use may be allowed as a conditional use.

703.04 Similar Uses.

Any use not specifically listed as a permitted use in this District that is similar in character, scale and performance to the permitted uses specified in subsection 703.02, may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

703.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section, and not allowed as a similar use, are prohibited in the HI District.

703.06 Nonconforming Uses.

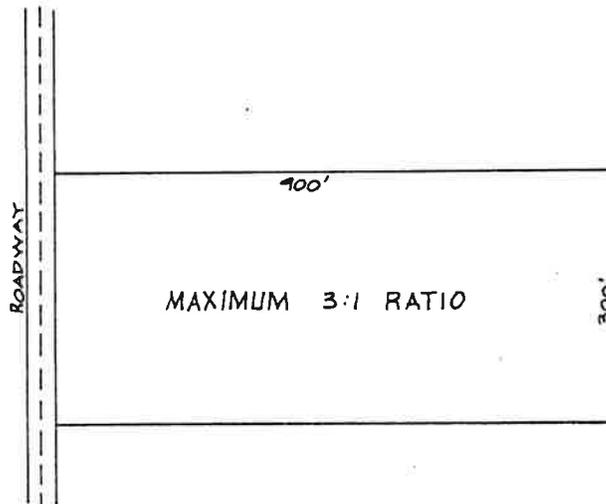
Nonconforming uses found in the HI District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this Ordinance.

703.07 Standards and Limitations.

In the HI District, the following standards and limitations shall apply:

A. Parcel Size and Dimensions.

1. Minimum Parcel Size. The minimum parcel size for any use shall be two (2) acres.
2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.



B. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, and except five (5) feet for all yards for signs, and except as provided for accessory uses in subsection 703.07(6).

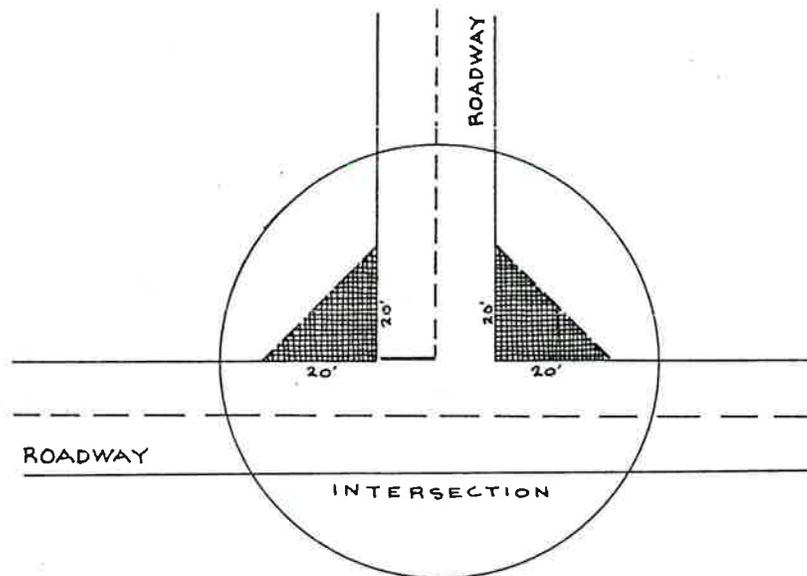
C. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

D. Access.

Before a principal use may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

E. Clear-Vision Areas.



A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads; public roads; private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this

height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

1. The maximum building height for all structures shall be sixty (60) feet; and
2. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

G. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.

- a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel.
- b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.

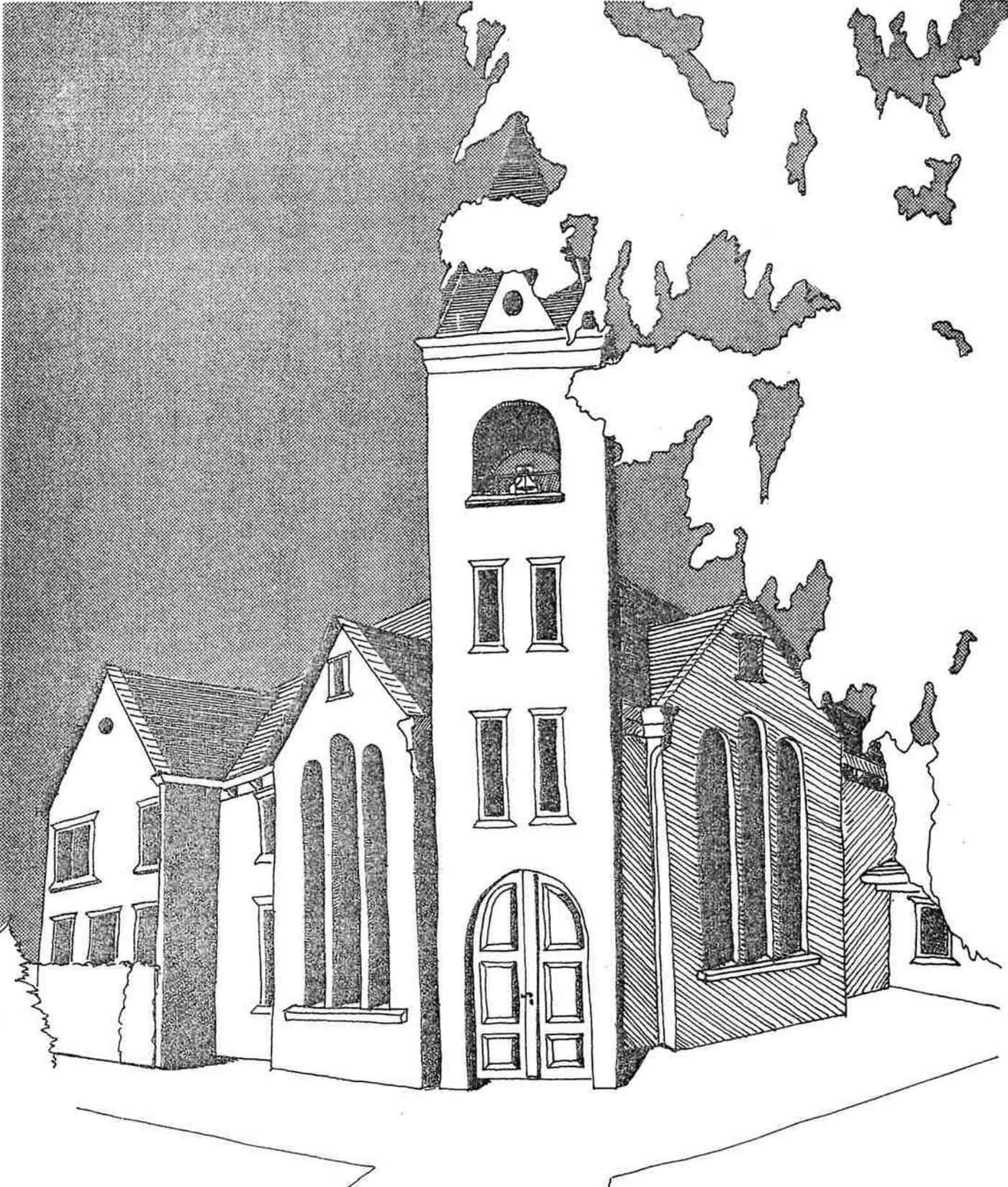
2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision requirements of subsection 703.07(E).

H. Off-street Parking.

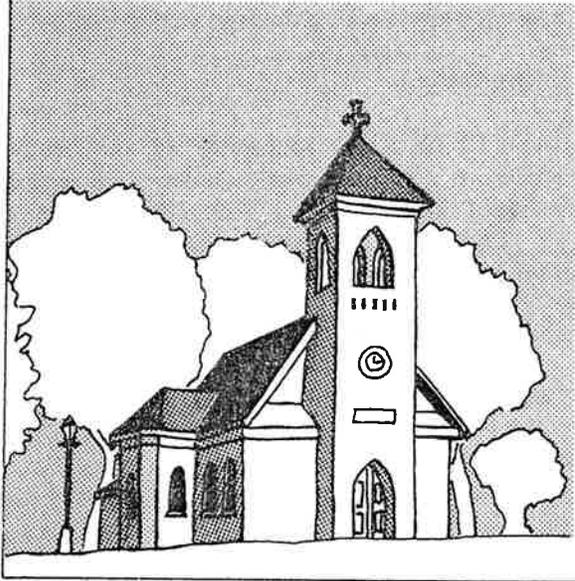
Off-street parking and loading requirements for any use in the HI District shall be as provided in Section 1007.

SECTION 800

PUBLIC FACILITIES DISTRICTS



801. PUBLIC ASSEMBLY INSTITUTIONAL DISTRICT (PAI)



801.01 **Purpose.**

The purpose of the PAI District is to accommodate the present foreseeable demand for public and private assembly uses and institutional facilities to serve both local and regional needs. When sited adjacent to urban development, PAI uses shall be compatible and coordinated with city comprehensive plans. The PAI District shall be subject to the site design review provisions of this Ordinance regarding the review, approval and staging of all phases of development and the programming, installation and maintenance of all improvements.

801.02 **Permitted Uses.**

In the PAI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 801.07 and pursuant to Section 1101 for site design review:

- A. Any use providing for the public or private assembly of persons for religious, charitable, philanthropic, cultural, recreational or educational purposes, including churches, auditoriums, armories, youth centers, social halls, fairgrounds, group camps, schools, kindergartens, play-schools, day nurseries and day-care schools;

- B. Clinic;
- C. Club or lodge;
- D. Convalescent or nursing home;
- E. Cemetery;
- F. Dwelling for caretaker or watchman in conjunction with a permitted use. If a dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- G. Accessory uses;
- H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- I. Community or municipal water supply system;
- J. Community or municipal sewer system; and
- K. Signs, pursuant to the sign provisions set forth in Section 1006.

801.03 Conditional Uses.

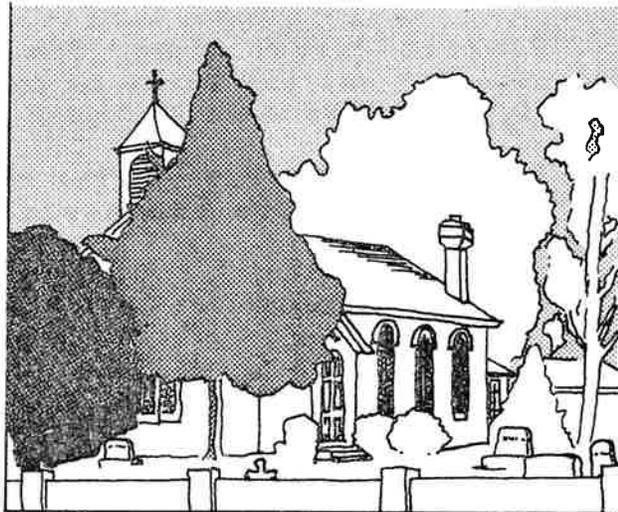
In the PAI District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Farm uses as follows: The current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the purpose of obtaining a profit in money by raising, harvesting and selling crops; or by the feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals, or honey bees; or by dairying and the sale of dairy products and other agricultural or horticultural use or animal husbandry; or by any combination thereof. Farm use includes the preparation, storage and marketing of the products raised on such land for man's use and animal use;

- B. Propagation and harvesting of a forest product;
- C. Duplex or multi-family dwelling, or group living quarters, in conjunction with a permitted use. If a dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002; and
- D. Operations conducted for the exploration of oil, natural gas or geothermal resources subject to the Type A application procedure set forth in Section 1301.

801.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this District that is similar in character, scale and performance to the permitted uses specified in subsection 801.02, may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.



801.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section, and not allowed as a similar use, are prohibited in the PAI District.

801.06 Nonconforming Uses.

Nonconforming uses found in the PAI District are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this Ordinance.

801.07 Standards and Limitations.

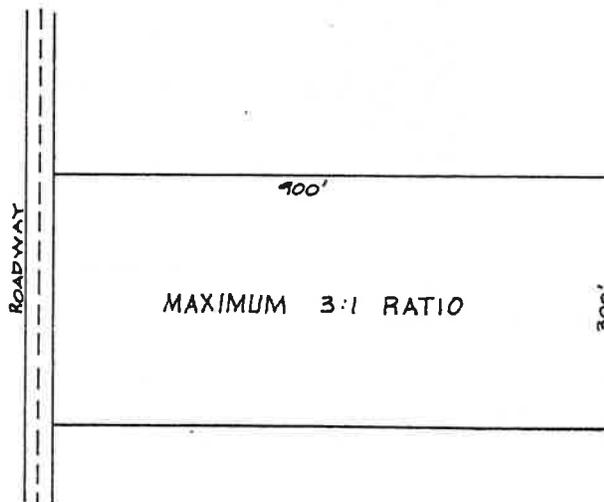
In the PAI District, the following standards and limitations shall apply:

A. Dwelling Density.

1. Permitted Uses. Not more than one (1) dwelling, as allowed for a caretaker or watchman in conjunction with a permitted use, shall be allowed on any parcel.
2. Conditional Uses. The maximum overall dwelling density for any dwelling allowed by conditional use shall be established by the decision-making body subject to Section 1101 for site design review.

B. Parcel Size and Dimension.

1. Minimum Parcel Size. The minimum parcel size for any use shall be one (1) acre, plus 10,000 square feet for each dwelling.
2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.



C. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except five (5) feet for all yards for signs, except as provided for accessory uses in subsection 801.07(H). No structure housing livestock shall be located within a distance of fifty (50) feet of any front parcel line, twenty-five (25) feet of any other parcel line, and forty (40) feet of any dwelling.

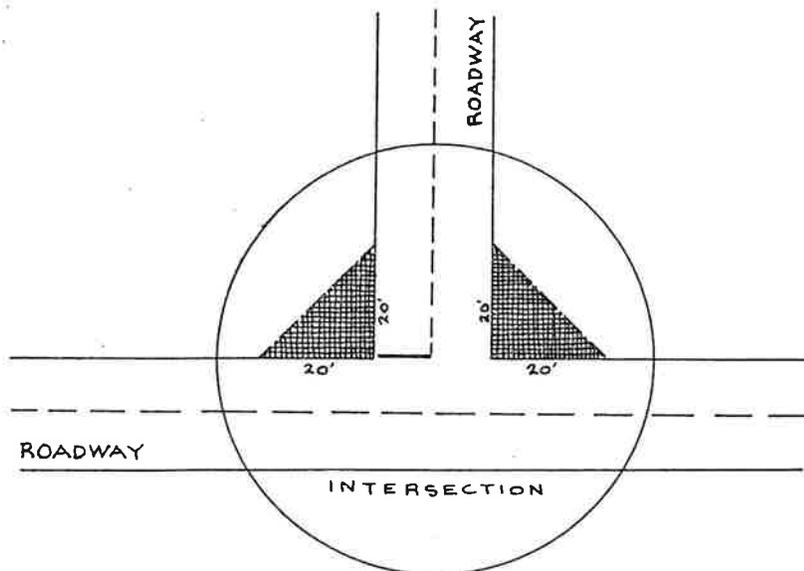
D. Parcel Coverage.

The maximum parcel coverage shall be thirty (30) percent for any use.

E. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.



A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads; public roads; private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be sixty (60) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.
 - a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.
 - b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling, may be located a minimum distance of

three (3) feet from the property line in side yard or rear yard.

c. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.

2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision requirements of subsection 803.07(F).

I. Off-street Parking.

Off-street parking and loading requirements for any use in the PAI District shall be as provided in Section 1007.

J. Livestock.

The keeping of livestock may be allowed pursuant to subsection 801.03 and subject to the following restrictions:

1. On any parcel of one-half (1/2) acre or less the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25) and no other livestock of any kind shall be permitted.
2. On any parcel of less than ten (10) acres, the total number of horses, cows, sheep, pigs, goats and other similar large animals over the age of six (6) months shall not exceed one (1) for each one (1) acre of parcel area;
3. On any parcel of less than ten (10) acres, the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25), plus one (1) for each five hundred (500) square feet of parcel area in excess of one-half (1/2) acre and the total number of bee colonies shall not exceed one (1) per two thousand (2,000) square feet of parcel area;
4. All livestock shall be properly fenced and contained so as to minimize adverse impacts to surrounding property owners; and
5. All animal food shall be stored in metal or other rodent-proof receptacles.

802. PUBLIC WORKS/SAFETY DISTRICT (PWS)

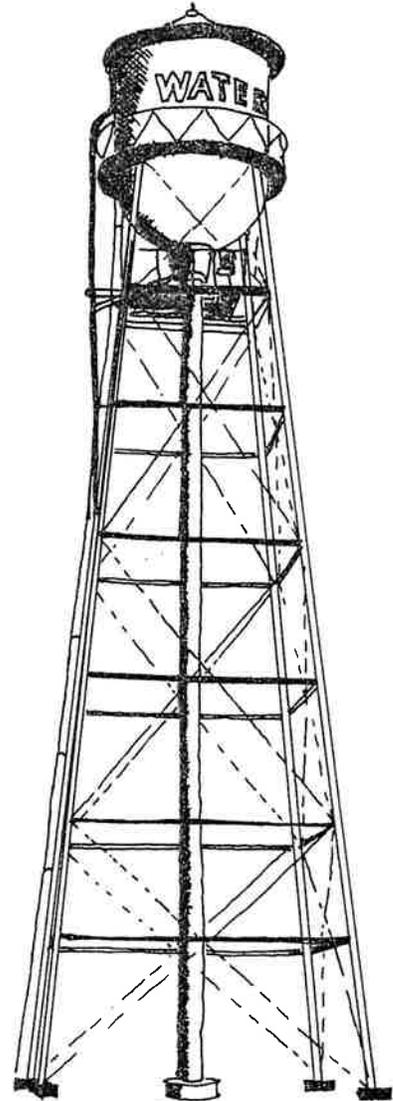
802.01 **Purpose.**

The purpose of the PWS District is to accommodate the present foreseeable demand for public works and safety facilities and utility facilities and uses to serve local needs and to serve regional needs, when appropriate. When sited adjacent to urban development, PWS uses shall be compatible and coordinated with city comprehensive plans. The PWS District shall be subject to the site design review provisions of this Ordinance regarding the review, approval, programming, installation and maintenance of all improvements.

802.02 **Permitted Uses.**

In the PWS District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 802.06, and pursuant to Section 1101 for site design review:

- A. Utility facility, substation, transformer, gate station, pumping or lift station; telephone, telegraph, radio, microwave, or television transmitter facilities of any kind, and any storage facilities in conjunction with any of the above;
- B. Municipal water supply, treatment, storage, transmission and distribution facility;
- C. Municipal sewage collection, treatment and disposal system;
- D. Sanitary landfill;



- E. Public works yards, shops, bus barns, equipment and materials storage yards, and similar uses;
- F. Fire stations;
- G. Dwelling for caretaker or watchman in conjunction with a permitted use. If a dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- H. Accessory uses;
- I. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- J. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301; and
- K. Signs, pursuant to the sign provisions set forth in Section 1006.

802.03 Conditional Uses.

In the PWS District, no use may be allowed as a conditional use.

802.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section shall be prohibited in the PWS District.

802.05 Nonconforming Uses.

Nonconforming uses found in the PWS District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this Ordinance.

802.06 Standards and Limitations.

In the PWS District, the following standards and limitations shall apply:

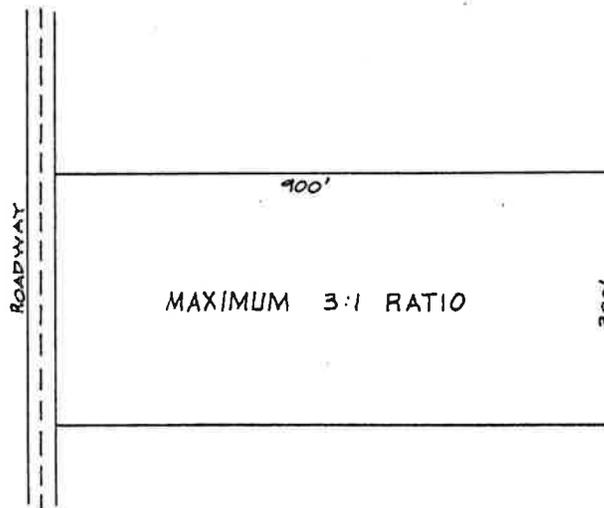
A. Dwelling Density.

Not more than one (1) dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

1. Minimum Parcel Size. The minimum parcel size shall be 20,000 square feet, plus 20,000 square feet for any dwelling.

2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.



C. Setbacks.

The minimum setback for all yards shall be twenty (20) feet for all uses, except five (5) feet for all yards for signs and except as provided for accessory uses in subsection 802.06(H).

D. Parcel Coverage.

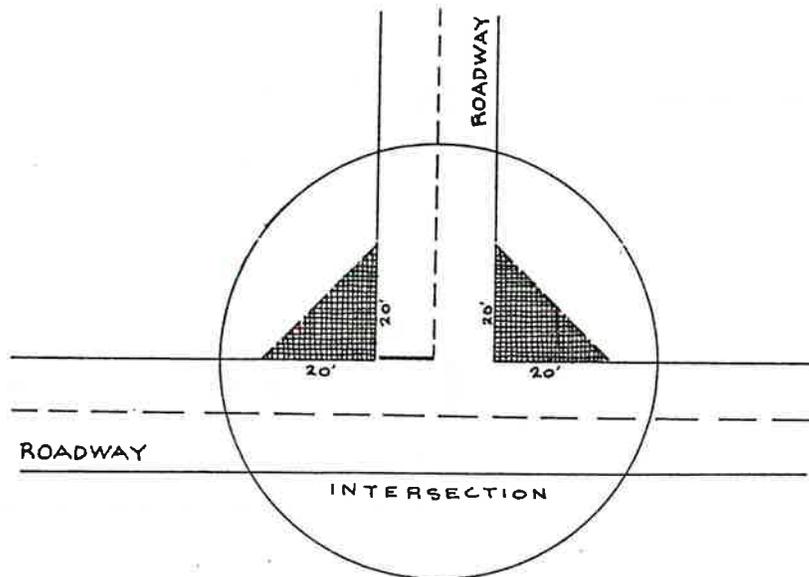
The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

E. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have

a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

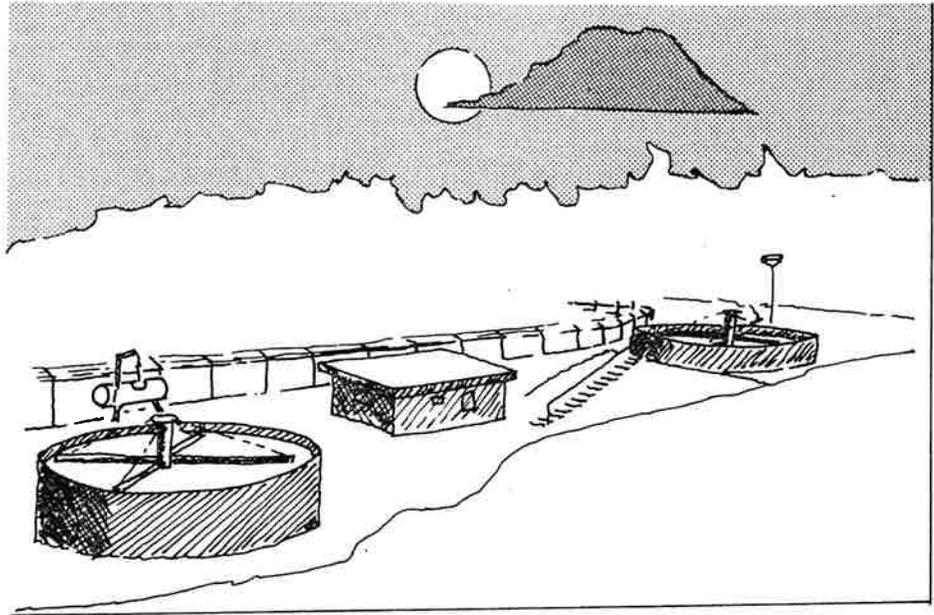
F. Clear-Vision Areas.



A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads; public roads; private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be sixty (60) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.



H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.
 - a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.

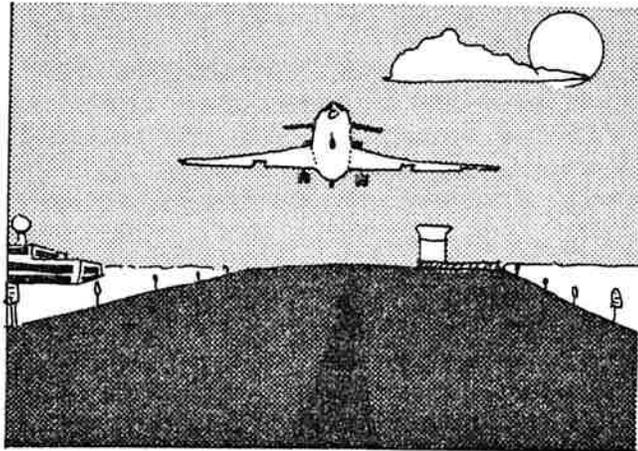
2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision requirements of subsection 803.07(F).

I. Off-street Parking.

Off-street parking and loading requirements for any use in the PWS District shall be as provided in Section 1007.

803.

PUBLIC AIRPORTS/LANDING FIELDS DISTRICT (PALF)



803.01

The purpose of the PALF District is to accommodate the present foreseeable demand for public airports and private landing fields to serve both local and regional business and leisure use. When sited adjacent to an urban growth boundary or an urban center, PALF uses shall be compatible and coordinated with city comprehensive plans. The PALF District shall be subject to the site design review provisions of this Ordinance regarding the review, approval and staging of all phases of development and the programming, installation and maintenance of all improvements.

803.02

Permitted Uses.

In the PALF District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 803.06 and pursuant to Section 1101 for site design review:

- A. Aircraft landing field, public or private;
- B. Farm uses, as follows: The current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the purpose of obtaining a profit in money by raising, harvesting and selling crops; or by the feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals, or honey bees; or by dairying and the sale of dairy products and other agricultural or

horticultural use or animal husbandry; or by any combination thereof. Farm use includes the preparation, storage and marketing of the products raised on such land for man's use and animal use;

- C. Dwelling for owner, caretaker or watchman in conjunction with a permitted use. If a dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- D. Accessory uses;
- E. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- F. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301;
- G. Community or municipal water supply system;
- H. Community or municipal sewer system; and
- I. Signs, pursuant to the sign provisions set forth in Section 1006.

803.03 Conditional Uses.

In the PALF District, no use may be allowed as a conditional use.

803.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section shall be prohibited in the PALF District.

803.05 Nonconforming Uses.

Nonconforming uses found in the PALF District are subject to the nonconforming uses provisions of Section 1205 as well as to any other applicable provisions of this Ordinance.

803.06 Standards and Limitations.

In the PALF District, the following standards and limitations shall apply:

A. Dwelling Density.

The maximum overall dwelling density shall be established by the decision-making body subject to Section 1101 for site design review, and not more than one (1) dwelling shall be permitted in conjunction with any proposed aircraft landing field.

B. Parcel Size and Dimension.

1. **Minimum Parcel Size.** The minimum parcel size for an aircraft landing field shall be ten (10) acres and the parcel size for any other use shall be established by the decision-making body subject to Section 1101 for site design review.

2. **Parcel Width.** The minimum parcel width for any use shall be established by the decision-making body subject to Section 1101 for site design review.

3. **Depth-to-Width Ratio.** The maximum depth-to-width ratio for any newly-created parcel shall be established by the decision-making body subject to Section 1101 for site design review.

C. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except five (5) feet for all yards for signs, and except as provided for accessory uses in subsection 803.06(G).

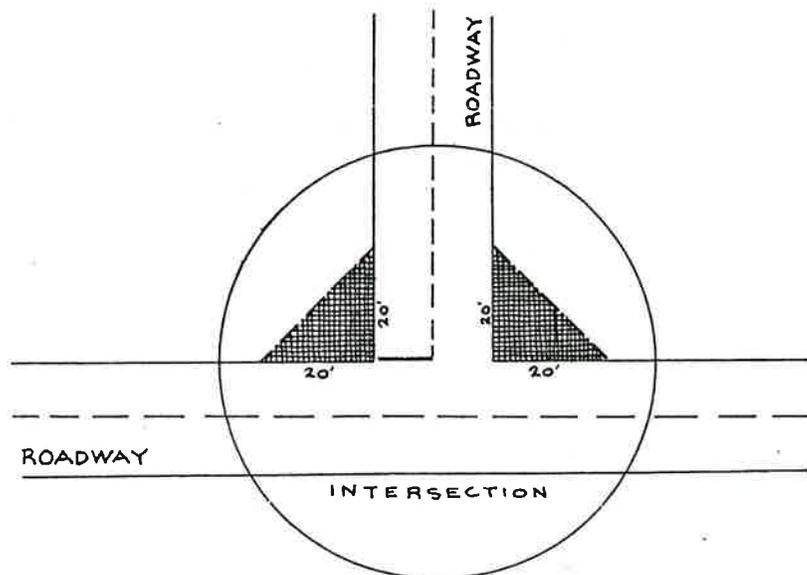
D. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access

contained in any Land Division Ordinance legally adopted by Yamhill County.

E. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads; public roads; private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.



F. Height.

1. The maximum building height for dwellings shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be sixty (60) feet; and

3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this Ordinance.

G. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.

- a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.

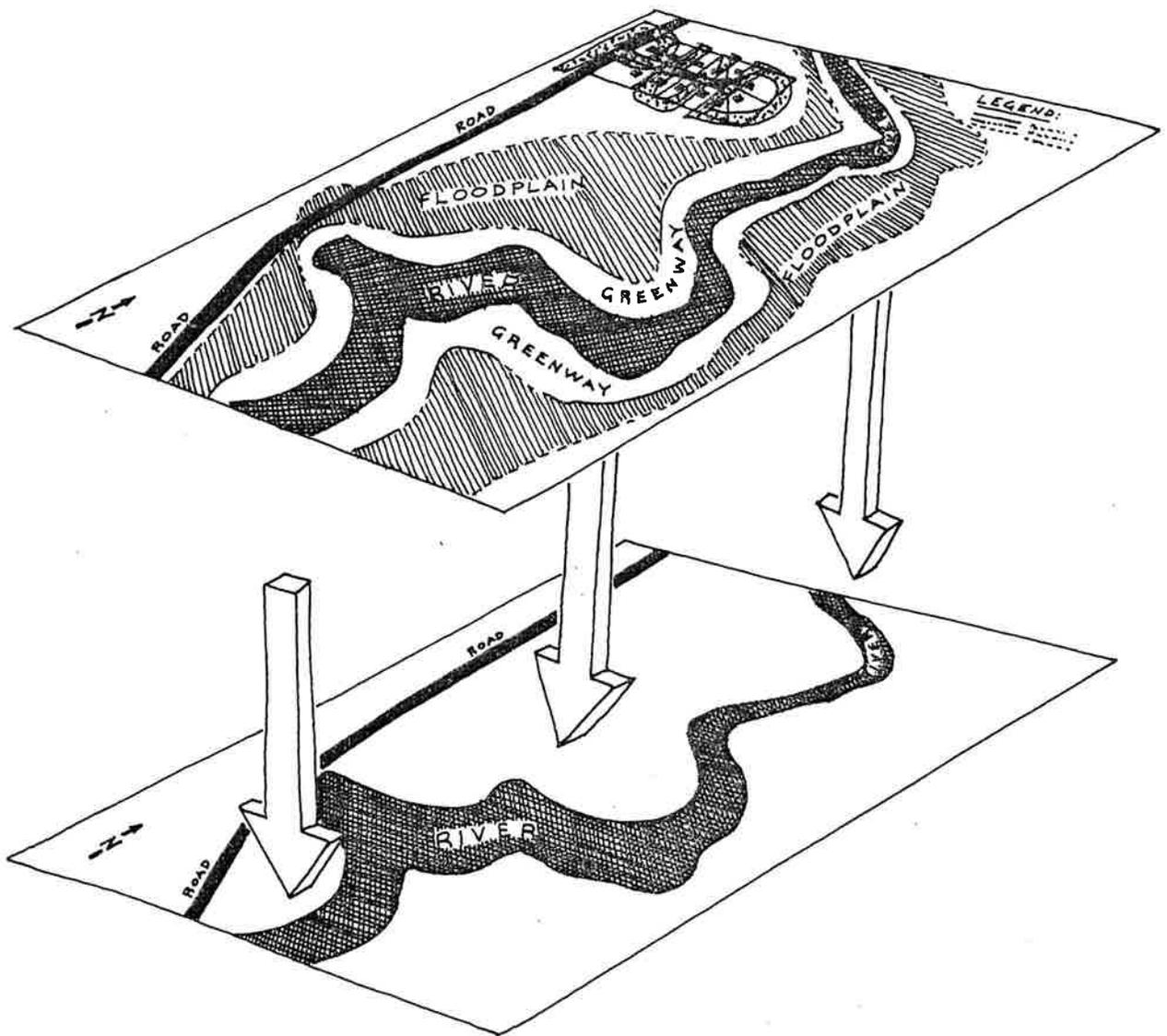
- b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in side yard or rear yard.

2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision requirements of subsection 803.06(E).

H. Off-street Parking.

Off-street parking and loading requirements for any use in the PAI District shall be as provided in Section 1007.

SECTION 900
OVERLAY DISTRICTS



901.

FLOODPLAIN OVERLAY DISTRICT (FP)



901.01 Purpose.

The purpose of the FP Overlay District is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood damage by establishing methods and provisions designed to:

- A. Restrict or prohibit uses which cause increased flood heights or velocities or which may otherwise be damaging to health, safety and property in times of flood;
- B. Control and restrict any building, development or other uses in areas where filling, grading, dredging and other such uses may be subject to flood damage;
- C. Minimize public expenditures for flood control projects and for rescue and relief efforts in areas subject to flooding;
- D. Control and restrict filling, grading, dredging or any other activity which may alter stream or river channels;

- E. Require flood proofing and protection measures for uses vulnerable to floods in order to minimize flood damage; and
- F. Implement the goals and policies of the Comprehensive Plan.

901.02 Definitions.

For the purpose of this Section, the following words, terms and expressions shall be interpreted in accordance with the following definitions, unless the context requires otherwise:

- A. **BASE FLOOD** (commonly referred to as the 100 year flood) - a flood, the level of which has a one (1) percent chance of being equalled or exceeded in any given year.
- B. **DEVELOPMENT** - any manmade change to improved or unimproved land located within a floodplain, including but not limited to, construction of buildings or other structures; filling, stockpiling and storage of materials; grading, paving, excavation, dredging, mining or drilling operations; and the construction of dams. For the purpose of this Section, development does not include activities conducted outside of the floodway of such a type and magnitude as to have no potential effects on water surface elevations or on the level of insurable damages.
- C. **FLOOD** - a temporary rise in stream flow that results in inundation of areas adjacent to the channel.
- D. **FLOOD FRINGE** - the area of the floodplain lying outside of the floodway, as delineated on the Flood Insurance Rate Map (FIRM).
- E. **FLOOD INSURANCE RATE MAP (FIRM)** - the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (floodplain) and the risk premium zones applicable to Yamhill County, on file with the Yamhill County Department of Planning and Development.
- F. **FLOODPLAIN** - the area adjoining a river, stream or watercourse which may be subject to periodic inundation by floodwaters.

- G. **FLOODPLAIN OVERLAY DISTRICT(FP)** - a district, the boundaries of which are delineated on the Official Zoning Map, in which there exists a risk to life and property due to flooding.
- H. **FLOOD PROOFING** - any combination of structural and nonstructural additions, changes, or adjustments to properties and structures primarily for the reduction or elimination of flood damage potential to lands, water and sanitary facilities, structures and contents of buildings.
- I. **FLOODWAY** - the channel of a river or other watercourse and the adjacent land areas that must remain unobstructed in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- J. **NEW CONSTRUCTION** - any structure, the construction of which commenced on or after the effective date of this Ordinance.
- K. **NONRESIDENTIAL STRUCTURE** - any structure not specifically designed, or intended to be used for human habitation, including farm buildings, storage sheds, garages, etc.
- L. **OBSTRUCTION** - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill structure, or matter; which is in, along, across, or projecting into any channel, watercourse, or floodplain area; which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water; or which is placed where the flow of water might carry the same downstream to the damage of life or property.
- M. **START OF CONSTRUCTION** - the first placement of a permanent structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms. For a structure (other than a mobile home) without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the

structure or any part thereof on its piling or foundation. For mobile homes, start of construction means the affixing of the mobile home to its permanent site.

N. **SUBSTANTIAL IMPROVEMENT** - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the assessed value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

a. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

901.03 Area of Application.

A. The provisions of this Section shall apply to all floodplain areas in the County, identified as the Floodplain Overlay District on the Official Zoning Map. The FP Overlay District includes those areas of special flood hazard identified by the Federal Insurance Administration and shown in detail on the Flood Insurance Rate Map (FIRM), which map is hereby adopted by reference and declared to be a part of this Section, and an official copy of which is on file in the Yamhill County Department of Planning and Development.

B. The FP Overlay District shall be combined with at least one (1) underlying zoning district, and may

be combined with any zoning district pursuant to this Ordinance. All property within the FP Overlay District shall be subject both to the provisions of this Section and to the provisions of the underlying zoning district. Nothing in this Section shall be construed as a waiver or suspension of the provisions of any underlying zoning district.

901.04 Use of Other Base Flood Data.

In areas of the FP Overlay District for which flood elevation data are not provided by the FIRM in accordance with subsection 901.03, the applicant shall obtain other base flood elevation data or any other evidence available from governmental or private sources in order to demonstrate compliance with the flood protection standards of this Section.

901.05 Floodplain Overlay District Use Provisions.

All uses of land and water provided for in the underlying zoning district may be permitted in the FP Overlay District, with the provisions that those uses which would result in development within the floodplain, as the term "development" is defined in subsection 901.02, shall require a floodplain development permit, and shall be subject to the provisions set forth in subsection 901.06 through 901.15. The following uses shall not require a floodplain development permit:

- A. Driveways, parking and loading areas, airport landing strips and other open space use areas;
- B. Signs, markers, aids, etc., placed by a public agency to serve the public;
- C. Removal of gravel from the stream bed between the low water marks when conducted under permit from the State of Oregon;
- D. Customary dredging and channel maintenance conducted under permit from the State of Oregon;
- E. Private and public recreational uses such as tennis courts, golf courses, driving ranges, archery ranges, picnic grounds, boat-launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting

preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails;

- F. Residential uses such as lawns, gardens, parking areas and play areas; and
- G. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

901.06 Floodplain Development Permit Application.

Except as provided in subsection 901.05, a floodplain development permit shall be obtained before the start of any construction or development within the FP Overlay District. The permit shall be required for all structures including mobile homes and for all other floodplain development, including fill. A floodplain development permit may be authorized pursuant to the Type B application procedure set forth in Section 1301 and subject to compliance with the review criteria listed in subsection 901.07. In addition to the Type B application requirements of Section 1301, the following shall be supplied by the applicant:

- A. Land elevation data expressed in feet above mean sea level, and topographic characteristics of the development site;
- B. Base flood level on the site expressed in feet above mean sea level;
- C. Plot plan, drawn to scale, showing location of existing and proposed structures, fill and other development; elevation of the lowest floor, including basement, of all structures; and locations and elevations of streets, water supply and sanitary facilities;
- D. Elevation, expressed in feet above mean sea level, to which any structure has been flood proofed;
- E. Certification by a registered professional engineer or architect that the proposed flood proofing methods for any nonresidential structure meet the flood proofing criteria in subsection 901.09;

- F. Specific data regarding the extent to which any watercourse will be altered or relocated as a result of the proposed development; and
- G. Any additional statements, map or information demonstrating existing or historical flooding conditions or characteristics which may aid in determining compliance with the flood protection standards of this Ordinance.

901.07 Floodplain Development Permit Criteria.

Prior to issuance of a floodplain development permit, the applicant must demonstrate that:

- A. The proposed development conforms with the use provisions, standards and limitations of the underlying zoning district and other overlay district.
- B. The proposed development, if located within the floodway, satisfies the provisions of subsection 901.10.
- C. The proposed development satisfies the applicable standards and requirements of this Section.
- D. The proposed development will not increase the water surface elevation of the base flood more than one (1) foot at any point.
- E. All applicable permits have been obtained from Federal, State or local governmental agencies.

901.08 Floodplain Overlay District General Standards.

In all areas within the FP Overlay District the following standards shall apply:

- A. Mobile Homes.
 - 1. Mobile homes shall be anchored in accordance with subsection 901.08(B).
 - 2. No mobile home park or mobile home subdivision shall be developed in the FP Overlay District.
 - 3. No mobile home shall be placed in a floodway.

B. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure. Except in the case of a mobile home, elevation of a structure on fill above the base flood level shall be considered to satisfy the anchoring requirement.
2. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors, subject to the following specifications:
 - a. Over-the-top ties shall be provided at each corner of the mobile home, with two (2) additional ties per side at intermediate points, or with one (1) additional tie per side for mobile homes less than fifty (50) feet in length;
 - b. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate points, or with four (4) additional ties per side for mobile homes less than fifty (50) feet in length;
 - c. All components of the anchoring system shall be capable of withstanding a force of 4,800 pounds per square inch; and
 - d. Any structure appurtenant to the mobile home shall be similarly anchored.
 - e. An alternative method of anchoring may involve a system designed to withstand a wind force of ninety (90) miles per hour or greater. Certification must be provided to the Director that this standard has been met.

C. Construction Materials and Methods.

1. All new construction and substantial improvements to existing structures shall be

constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Certification by a registered professional engineer or architect that the standards of this subsection are satisfied shall be provided to the Director.

D. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed and located to minimize flood water contamination consistent with the requirements of the State Department of Environmental Quality (DEQ).

E. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the requirement to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevations in feet above mean sea level shall be provided for all subdivisions in the FP Overlay District.

F. Fill.

1. Fill, excepting sanitary landfills, shall consist only of natural materials such as earth or soil aggregates and including sand, gravel and rock, concrete and metal.
2. Any fill must be shown to have a beneficial purpose and the amount thereof to be no greater than is necessary to achieve that

purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill.

3. Such fill shall be protected against erosion by vegetative cover, rip-rap, or bulkheading.

901.09 Specific Standards for Areas where Base Flood Elevation Data are Available.

In the FP Overlay District where base flood elevation data have been provided, as set forth in subsection 901.03 or 901.04, the following standards shall apply:

- A. Residential construction. For any new residential construction, including placement of a mobile home, and for substantial improvements to existing dwellings the lowest habitable floor, including basement, shall be elevated to one (1) foot above base flood elevation.
- B. Nonresidential construction. For any new nonresidential construction, and for substantial improvements to any commercial, industrial or other nonresidential structure, the lowest floor, including basement, shall be elevated to one (1) foot above base flood elevation or, together with accompanying utility and sanitary facilities, shall:
 1. Be flood proofed so that any portions of the structure below base flood level are watertight, with walls substantially impermeable to the passage of water; and
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy as certified by a registered professional engineer or architect.

901.10 Floodways.

Located within the FP Overlay District are areas designated as floodways. Since the floodway is an extremely hazardous area, due to the velocity of flood waters which carry debris and increase the erosion potential, the following restrictions shall apply in addition to the standards of this Section as specified above:

- A. The placement of any dwelling in the floodway shall be prohibited.
- B. Development in the floodway, except those uses provided for in subsection 901.05, shall be prohibited unless certification is provided by a registered professional engineer or architect that the proposal will not result in any increase in flood levels during the occurrence of the base flood discharge.
- C. If subsection 901.10(B) is satisfied, all new construction and substantial improvements shall comply with all applicable flood protection provisions of this Section.
- D. For any proposed alteration or relocation of a floodway, a floodplain development permit shall be required, and approval of the permit shall be subject to the following additional requirements:
 - 1. Adjacent communities and the State Department of Water Resources shall be notified by the Director of any proposed alteration or relocation of a watercourse, and evidence of such notification shall be submitted to the Federal Insurance Administration; and
 - 2. It shall be the applicant's responsibility to maintain the altered or relocated portion of said watercourse so that its flood carrying capacity is not diminished.

901.11 Review of Permits in Generalized Floodplain Areas.

Where specific flood elevation data are not available, pursuant to subsections 901.03 or 901.04, applications for floodplain development permits shall be reviewed to ensure that the proposed development will be reasonably safe from flooding or resistant to flood damage. In determining whether the proposed floodplain development is reasonably safe, historical data, high water marks, photographs of past flooding, etc. shall be utilized, where available. In addition to the applicable requirements of this Section, the following factors shall be considered when reviewing a floodplain development permit for any proposal in an area where specific flood elevation data are not available:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

- B. The danger that materials may be swept onto other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of those systems to prevent disease, contamination and unsanitary conditions.
- D. The importance of the services provided by the proposed facility to the community.
- E. The requirements of the facility for a waterfront location.
- F. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the Comprehensive Plan and any floodplain management program of the area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

901.12 Conditions of Approval.

In approving an application for a floodplain development permit, the decision-making body may impose such conditions as it deems appropriate to ensure the intent of this Section is carried out. Such conditions shall be reasonably related to the applicable criteria and standards set forth in subsections 901.08 through 901.11.

901.13 General Requirements.

Any floodplain development permit authorized pursuant to this Ordinance shall be subject to the following additional requirements:

- A. An authorized floodplain development permit is not personal to the applicant and shall be deemed to run with the land, provided the subsequent

owner or developer adheres to the specific proposal originally approved and complies with conditions of approval.

- B. A floodplain development permit shall become null and void one (1) year from the date it is granted unless substantial construction has taken place. The Director may extend the permit for an additional period not to exceed one (1) year upon receipt of a written request for extension from the applicant demonstrating good cause for the delay and provided that the request to extend the permit is received by the Director prior to expiration of the original approval.

901.14 Appeals.

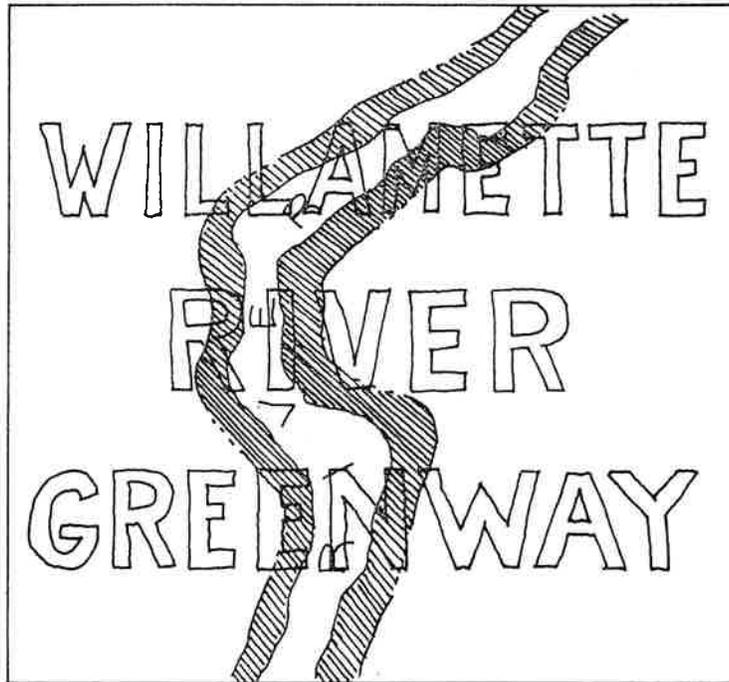
Appeal of any decision made pursuant to this Section shall be as provided in Section 1404 of this Ordinance.

901.15 Warning and Disclaimer of Liability.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Section does not imply that areas outside of the FP Overlay District or uses permitted within such district will be free from flooding or flood damages. This Section shall not create liability on the part of Yamhill County or any officer or employee thereof, for any flood damages that result from reliance on this Section or any decision lawfully made thereunder.

902.

WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT (WRG)



902.01 Purpose.

The purpose of the WRG Overlay District is to:

- A. Protect and preserve the natural, scenic and recreational qualities of lands along the Willamette River in Yamhill County;
- B. Preserve and allow the restoration of historical sites, structures, facilities and objects on lands along the Willamette River;
- C. Implement the goals and policies of the Comprehensive Plan and of the State of Oregon's Willamette River Greenway program;
- D. Establish standards and requirements for the use of lands within the Willamette River Greenway of Yamhill County; and
- E. Provide for the review of any intensification, change of use or development of properties located within the Willamette River Greenway of Yamhill County.

902.02 **Definitions.**

For the purpose of this Section, the following words, terms and expressions shall be interpreted in accordance with the following definitions, unless the context requires otherwise:

- A. **DOAT MOORAGE** a structure located within the waters of the Willamette River and attached to shore for the purpose of securing one or more boats.
- B. **CHANGE OF USE** - making a different use of the land or water than that which existed on December 6, 1975, including a change which requires construction, alterations of the land or water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water.
- C. **DEVELOPMENT** - any activity within the WRG Overlay District which would alter the elevation of the land, remove or destroy plant life, cause structures of any kind to be installed, erected, or removed, or a change of any kind from the conditions existing as of the effective date of this Ordinance, but not including farm use.
- D. **INTENSIFICATION OF USE** - any additions which increase or expand the area or amount of an existing use, or the level of activity.
- E. **NATURAL VEGETATIVE FRINGE** - the natural vegetative area that provides a transition between the water of a River and the most landward edge of such natural vegetated area.
- F. **ORDINARY HIGH WATER** - the level to which waters ordinarily rise annually, usually represented by the line of permanent vegetation.
- G. **WATER-DEPENDENT USE** - a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. Except as necessary for water-dependent uses or facilities, residences, parking lots, factories and trailer parks are not generally considered to be water-dependent uses.
- H. **WATER-RELATED USE** - a use which is not directly dependent upon access to a water body, but which

provides goods or services that are directly associated with water-dependent land or waterway use, and which goods or services, if the use were not located adjacent to water, would be of lesser quality resulting in a public loss. Except where as necessary for water-dependent or water-related uses or facilities, highways, restaurants, businesses, factories, and trailer parks are not generally considered to be water-related uses.

902.03 Area of Application.

- A. The provisions of this Section shall apply to all land and water located within the WRG Overlay District of Yamhill County as indicated on the Official Zoning Map. The boundary of this District is shown in detail on the aerial photo maps of the Official Willamette River Greenway Boundary as adopted by the State of Oregon. A copy of this document is on file in the Yamhill County Department of Planning and Development and is hereby adopted by reference and declared to be a part of this Section. Interpretation of the exact location of the boundary shall be made by the Director through use of the aerial photo maps.
- B. The WRG Overlay District shall be combined with at least one (1) underlying zoning district and may be combined with any zoning district pursuant to this Ordinance. All property within the WRG Overlay District shall be subject both to the provisions of this Section and to the provisions of the underlying zoning district. Nothing in this Section shall be construed as a waiver or suspension of the provisions of any underlying zoning district, or any other applicable overlay district.

902.04 Use Provisions.

All uses of land and water provided for in the specific underlying zoning district may be permitted in the WRG Overlay District, with the provisions that those uses which would result in a change of use, intensification of use, or development within the WRG Overlay District shall require a Greenway permit pursuant to the procedures set forth in subsection 902.05 for obtaining a Greenway permit, except for the following uses, which shall not require a Greenway permit:

- A. Farm uses as follows: The current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the purpose of obtaining a profit in money by raising, harvesting and selling crops; or by the feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals, or honey bees; or by dairying and the sale of dairy products and other agricultural or horticultural use or animal husbandry; or by any combination thereof. Farm use includes the preparation, storage and marketing of the products raised on such land for man's use and animal use;
- B. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands, except that any substantial increase in the level of development of existing public recreational, scenic, historical or natural uses on public lands shall require a Greenway permit and shall be subject to the procedures set forth in subsection 902.05;
- C. Signs, markers, aids, etc., placed by a public agency to serve the public;
- D. Reasonable emergency procedures necessary for the safety or protection of property from natural hazards;
- E. Landscaping, construction of driveways, modifications of existing structures or the construction of accessory structures, provided that such activities are conducted in conjunction with uses already existing on the same lot and that they are accomplished in a manner compatible with the purpose of this Section;
- F. Maintenance and repair that is usual and necessary for the continuance of an existing use;
- G. The propagation of timber or the cutting of timber for public safety or personal noncommercial use and which does not require a permit in accordance with the Oregon Forest Practices Act;
- H. Water intakes and utilities in conjunction with a dwelling or an agricultural use;
- I. Gravel removal between the low water marks in the Willamette River, conducted under permit from the

State of Oregon and in a manner compatible with the purpose of this Section; and

- J. Customary dredging and channel maintenance conducted under permit from the State of Oregon.

902.05 Greenway Permit Application.

Except as provided in subsection 902.04, a Greenway permit shall be obtained before the start of any development, change of use or intensification of use within the WRG Overlay District. A Greenway permit may be authorized pursuant to the Type B application procedure set forth in Section 1301 and subject to compliance with the considerations and criteria in subsection 902.06. In addition to the notification requirements of Section 1402, written notice of the request and action taken will be sent to the Oregon Department of Transportation by certified mail with return receipt requested.

902.06 Greenway Permit Considerations and Criteria.

Prior to issuance of a Greenway permit, the applicant must demonstrate compliance with the following considerations and criteria:

- A. That the proposal conforms with the use provisions and standards and limitations of the underlying zoning district.
- B. That the proposal is consistent with the purpose of the WRG Overlay District as provided in subsection 902.01.
- C. That the natural vegetative fringe along the river shall be maintained in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the River.
- D. That the quality of the air, water and land resources in and adjacent to the WRG Overlay District shall be preserved with any development, change of use, or intensification of use, within the WRG Overlay District.
- E. That lands exhibiting Class I-IV soils for agricultural production shall be preserved and maintained for farm use.

- F. That significant fish and wildlife habitats shall be protected.
- G. That significant natural and scenic areas, viewpoints and vistas shall be preserved.
- H. That areas of ecological, scientific, historical or archeological significance shall be protected, preserved, restored or enhanced to the maximum extent possible.
- I. That areas of annual flooding, floodplains and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow and other natural functions.
- J. That any harvesting of timber shall be done in a manner which will ensure that wildlife habitat and the natural scenic qualities found in the WRG Overlay District will be maintained and will be restored.
- K. That the proposed development, change of use or intensification of use is compatible with the site, the surrounding area and the environment.
- L. That areas considered for development, change of use or intensification of use, which have erosion potential, shall be protected from loss by appropriate means which are compatible with the character of the Willamette River Boundary.
- M. That any extraction of aggregate deposits and reclamation shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety.
- N. That recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with farm use.
- O. That maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.
- P. That any development shall be located away from the River to the greatest possible degree. A minimum building setback line of fifty (50) feet

from the ordinary high water line of the Willamette River shall be maintained, except for buildings and structures in conjunction with a water-dependent use.

- Q. That public access where necessary and appropriate, shall be provided to and along the River by appropriate legal means for any public use or development.
- R. That the development, change or intensification of use shall provide the maximum possible landscaped area, open space or vegetation between the activity and the River.

902.07 Conditions of Approval.

In approving an application for a Greenway permit, the decision-making body may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out. Such conditions shall be reasonably related to the criteria set forth in subsection 902.06.

902.08 General Requirements.

Any Greenway permit authorized pursuant to this Ordinance shall be subject to the following additional requirements:

- A. An authorized Greenway permit is not personal to the applicant and shall be deemed to run with the land, provided the subsequent owner or developer adheres to the specific proposal originally approved and complies with any conditions of approval.
- B. A Greenway permit shall become null and void one (1) year from the date it is granted unless substantial construction has taken place. The Director may extend the Greenway permit for an additional period not to exceed one (1) year upon receipt of a written request for extension from the applicant demonstrating good cause for the delay and provided that the request to extend the permit is received by the Director prior to expiration of the original approval.

902.09 Appeals.

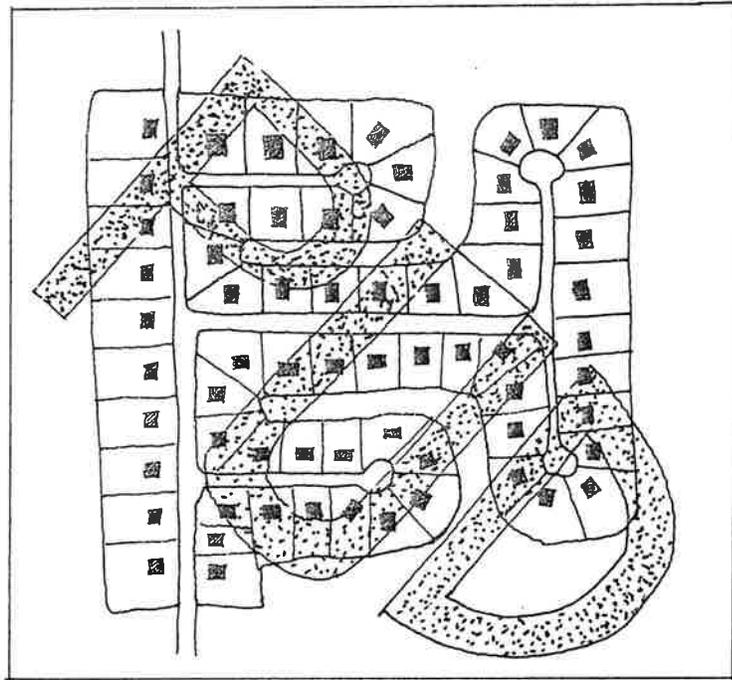
Appeal of any decision made pursuant to this Section shall be as provided in Section 1404 of this Ordinance.

902.10 Trespass by Public.

Nothing in this Section is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in accordance with law to authorize such use.

903.

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD)



903.01 Purpose and Scope

The purpose of the PUD Overlay District is to allow and encourage:

- A. Comprehensive development rather than traditional parcel-by-parcel development;
- B. A more flexible and creative approach to the development of land which will result in an efficient, aesthetic and desirable use of open area, while maintaining the same population density and area coverage permitted in the zoning district in which the project is located;
- C. Flexibility in the design and placement of buildings, open spaces, circulation facilities and off-street parking areas to best utilize the site potential and characteristics of geography, topography, parcel size and shape;
- D. Development which will provide an attractive and stable setting in harmony with development in the surrounding area and the environment in general.

All provisions of the underlying zoning district with which the PUD Overlay District is combined shall continue to apply unless varied or waived by the decision-making body in accordance with the provisions of this Section.

903.02 Area of Application.

The PUD Overlay District shall be combined with the VLDR District for any multi-family residential development and shall be combined with the LDR District for any duplex or multi-family residential development. The PUD Overlay District may also be combined with the VLDR District for any other permitted residential development.

903.03 General Development Standards and Requirements.

In considering a proposed Planned Unit Development project, the approval thereof may involve modifications of some of the regulations, requirements and standards of the underlying zoning district. In the PUD Overlay District, the following guidelines and standards shall apply in modifying standards and limitations of the underlying zoning district:

- A. Development Acreage. The minimum parcel size of any PUD shall be as provided in the standards and limitations of the underlying zoning district. If no such standard for a PUD is specified, the minimum parcel size shall be determined by the decision-making body, but in no case shall the parcel size of the proposed development be less than the minimum parcel size established for a permitted use in the underlying district.
- B. Density of Development. The density of a PUD shall not exceed the density of the underlying zoning district and shall be computed by dividing the total acreage of the PUD by the number of dwelling units. The total acreage shall include street dedications.
- C. Site Adaptation. To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.
- D. Setbacks. Yard setbacks for parcels on the perimeter of a PUD shall be the same as required for the underlying zoning district. In modifying

setback requirements for all other parcels within PUD, the decision-making body shall consider such factors as public safety, ease of emergency vehicle access, solar access, environmental and scenic features and compatibility with adjacent uses.

E. Circulation.

1. Access. Planned Unit Developments shall be appropriately designed to provide a single, direct access onto a County road or other public road, unless the scale of the PUD is such that more than one access is necessary to provide safe and efficient circulation. Entrances and exits for automotive vehicles shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. Merging and turnout lanes shall be required where existing or anticipated heavy flows of passing traffic or traffic to or from the PUD indicate the need for such lanes.

2. Internal Circulation. Roads, pedestrian and bikeway paths shall be integrated into a system designed to provide efficient, safe circulation to all uses. Developments should be designed to minimize the length of roadway. Pedestrian paths/bikeways shall be clearly signed and have adequate crossing facilities where warranted.

3. Siting of Roadways and Parking Areas. The siting of roadways and parking areas shall be consistent with the character of the property, avoiding excessive cuts and fills, etc.

4. Parking.

In addition to the applicable parking standards set forth in Section 1007, the following requirements shall apply to off-street parking in a PUD:

a. Off-street parking may be provided on each parcel or clustered in parking pads in proximity to any dwelling units they serve.

b. In residential developments, parking space may be required for storage of

residents' recreational vehicles. If required, a recreational vehicle parking area shall be located so as to be compatible with surrounding land uses. If an RV parking space is located along the perimeter of the PUD, it shall be adequately screened from adjacent properties outside the PUD.

F. Building Height.

The decision-making body may limit height requirements of the underlying zoning district as follows:

1. Along the outer fringe of the PUD; and
2. To protect scenic vistas from encroachments.

G. Utilities.

1. All utilities and sewer and water facilities shall be approved by the appropriate agencies before the plans are approved by the decision-making body.
2. All utility services shall be placed underground.
3. Provision shall be made for fire prevention, including service waterlines and free emergency access for firefighting equipment around buildings.
4. Provision shall be made for control of site storm water drainage.

H. Homeowners Association.

In residential PUD's, a nonprofit, incorporated homeowners association shall be required if other satisfactory arrangements have not been made for improving, operating and maintaining common facilities, including agricultural lands, forest lands, open space, roads, parking areas and recreation areas. An alternative to a homeowners association may include deed restrictions or conservation easements, if the decision-making body determines such restrictions or easements will protect the intent and purpose of this Ordinance and will be in the public interest.

903.04 Review Criteria.

In addition to the development standards and requirements specified in this Section, the applicant shall demonstrate and the decision-making body shall determine that the following criteria have been met prior to approval of a Planned Unit Development:

- A. The proposed development is consistent with the Comprehensive Plan and with the intent and purpose of the underlying zoning district.
- B. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the basic zoning district requirements.
- C. The proposed development can be well integrated with its surroundings in substantial harmony with adjacent and surrounding lands.
- D. The roads within the proposed development will be adequate to support the anticipated traffic and traffic generated by the development will not adversely impact adjacent roads.
- E. Adequate provision is made for the preservation of natural resources such as bodies of water, significant vegetation and special terrain features.
- F. The proposed water supply, sewerage, utility and drainage facilities are adequate for the population, residential densities and types of development proposed.
- G. The development can be financed and completed within a reasonable period of time.

903.05 Application Procedure.

There shall be a three-stage review process for a PUD proposal, consisting of a pre-application conference (stage one), preliminary approval (stage two) and final approval (stage three).

- A. Pre-application Conference (Stage One). The applicant, or his authorized representative, shall meet with the Director in a pre-application conference to review requirements and concerns pertaining to the applicant's proposal. An outline plan of the proposal shall be submitted for

determination of compliance with the minimum applicable standards of this Section and the underlying zoning district.

B. Preliminary Approval (Stage Two). The applicant shall submit a conceptual development plan together with the appropriate application form and fee as prescribed by the Director. The conceptual development plan shall include maps and a written statement setting forth the nature of the proposed development, as follows:

1. Maps. The maps shall show the entire PUD area and shall contain the following information:

- a. Site topography, drainage, tree and ground cover, existing access and services, known areas of flood, soil or geologic hazard, and an inventory and classification of the soil types within the PUD;
- b. Existing land uses, ownerships, property lines, and Plan and zoning district designations;
- c. Proposed land uses, buildings and structures, access, urban services, residential densities and, design population;
- d. A plan for pedestrian and vehicular circulation showing the general locations and widths of all roads, bikeways and pedestrian paths;
- e. Proposed park, recreation and open space uses;
- f. Proposed site grading, drainage and landscaping plan; and
- g. Proposed method of water supply and sewage disposal.

2. Written Statement. The written statement shall contain an explanation of:

- a. The character of the proposed development and the manner in which it has been designed to take advantage of the PUD regulations;
- b. The present ownership of all land included within the proposed PUD;
- c. The method proposed to maintain private common open areas, roads and other facilities;

- d. The anticipated schedule of development, including proposed dates for commencement of construction on all phases of the PUD; and
- e. How the review criteria of subsection 903.04 are satisfied by the proposal.

Upon submittal of a complete application form and the preliminary plan as described above, the proposal shall be reviewed pursuant to the Type C application procedure set forth in Section 1301 and subject to compliance with the review criteria listed in subsection 903.04 and with the applicable provisions of the underlying zoning district.

C. Final Approval.

1. Within six (6) months of preliminary approval, the applicant shall file a final plan for the entire development with the Director. If the development is to be phased, the final plan for the first phase of development shall be filed within six (6) months of preliminary approval. Final plans for approved subsequent phases shall be filed at least ninety (90) days prior to the construction date set forth in the applicant's timetable. The final plan shall conform in all substantial respects with the approved preliminary plan.
2. Within thirty (30) days of receipt of the final plan, the Director shall present the plan to the Commission. The Commission shall examine the plan and determine whether it conforms in all substantial respects to the previously approved proposal. The decision of the Commission shall be final unless appealed to the Board as provided in Section 1403.

903.06 Conditions of Approval.

In approving a proposal for a PUD, the Commission may impose such conditions as it determines are necessary to carry out the purpose of this Section and of the underlying zoning district. Such conditions may include a requirement that the applicant enter into a performance agreement with the County and furnish the County with an appropriate financial guarantee to ensure that the PUD is completed and that all services are provided in accordance with the standards and requirements imposed pursuant to this Ordinance and all other County Ordinances.

903.07 Additional Requirements.

Any PUD authorized pursuant to this Ordinance shall be subject to the following additional requirements:

- A. Building permits issued in connection with any part of a Planned Unit Development shall be issued only on the basis of the plan approved by the Commission.
- B. Any proposed changes in connection with an approved plan shall be reviewed and approved in accordance with the same procedures prescribed under this Section.
- C. If no application for building permits relating to an approved PUD have been received within one (1) year of the date of final approval of the PUD, the approval shall be rescinded and the PUD Overlay District designation repealed in respect to the area affected.

SECTION 1000
SPECIAL USE REQUIREMENTS

1001. GENERAL PROVISIONS

1001.01 **Definition.**

Special uses are those uses which, due to unique characteristics, are subject to particular requirements or standards which differ from or exceed those required of other uses in the same zoning district. The specific standards and requirements for the special uses of this Ordinance are provided in Sections 1002 through 1008.

1001.02 **Applicable Standards and Procedures.**

The status of a special use as a permitted or conditional use shall be as specified in the underlying zoning district and subject to the applicable standards of such district. In addition:

- A. Special uses shall be subject to the applicable standards as set forth in Sections 1002 through 1008; and
- B. A special use which is a conditional use in the specific underlying zoning district shall also be subject to the Type B application procedure set forth in Section 1301 and the conditional use permit review criteria in Section 1202.

1002. **MOBILE HOMES**

1002.01 **Standards and Requirements.**

Mobile homes shall be subject to the following requirements:

- A. No person shall place a mobile home except on a well-drained site that is at all times free of stagnant pools and is graded for rapid drainage; and not more than three (3) mobile homes may be placed on any parcel.
- B. Mobile homes shall be located and regulated in accordance with the requirements adopted by Yamhill County in Ordinance No. 254, 1980.
- C. All mobile homes shall be connected to a sewer treatment facility approved by the State Department of Environmental Quality or to an approved individual subsurface sewage disposal system. For any mobile home not connected to a municipal or community sewer system, prior to issuance of a mobile home placement permit, the applicant shall provide the Director with certification by the County Sanitarian or the State Department of Environmental Quality that a standard or alternative subsurface sewage disposal system has been installed which is adequate in size, location, design and specification to serve the proposed mobile home.
- D. All additions and alterations to mobile homes shall be made in accordance with the requirements of the Yamhill County Ordinance No. 254, 1980, as amended, and with the requirements of the Oregon Department of Commerce, Building Codes Division. No additions to a mobile home shall be permitted except the following:
 - 1. Skirtings, provided that two (2) easily removable access panels of a minimum width of four (4) feet shall provide access to the area enclosed by the skirting, with at least one panel located at the point of entrance of water and sewage connections;
 - 2. Carports;
 - 3. Shelters against sun or rain (ramadas);

4. Vestibules up to a maximum size of thirty (30) square feet; and
 5. Rooms (cabanas) added to a mobile home, provided that any such added room shall have an exit or access, which shall consist of a doorway or window, other than through the mobile home, and further, that any such additional room shall not be used as an exit or access for exit from any mobile home.
- E. No additions to a mobile home shall exceed in plan area the gross floor area of the mobile home to which they are attached.
- F. All additions to a mobile home shall be constructed and finished in durable, weather-resistant materials similar in quality to those used in the construction and finishing of the principal unit to which they are attached.
- G. No outdoor storage of any kind accessory to the use of any mobile home shall be permitted within thirty (30) feet of any parcel line. All such storage shall be appropriately screened with either a sight-obscuring fence or planting and such screening shall be maintained in good condition at all times. Such storage area shall not exceed two hundred forty (240) square feet in ground or floor area.

1003. TRAVEL TRAILER PARKS

1003.01 **Standards and Requirements.**

The use of any parcel for a travel trailer park and any modifications to an existing travel trailer park shall comply with the following standards and requirements:

- A. The minimum parcel area for a travel trailer park shall be one (1) acre;
- B. The maximum density of travel trailer spaces shall not exceed twenty-five (25) per acre of gross land area;
- C. No travel trailer shall be located anywhere but in a travel trailer space and only one (1) travel trailer shall be located within any travel trailer space;
- D. The only structures or vehicles which may be placed in a travel trailer space, other than storage structures provided by the management of the park, are one (1) travel trailer and one (1) motor vehicle; except that a travel trailer space may be rented for the residential use of one (1) mobile home for a period of one (1) month or less, subject to the other provisions of this Section;
- E. No travel trailer shall remain in any travel trailer park for a period of more than four (4) months;
- F. The minimum width for a parcel containing a travel trailer park shall be one hundred (100) feet, except that portions of the parcel intended only for general vehicular entrances and exits may be as narrow as fifty (50) feet;
- G. Permitted accessory uses for a commercial service nature and parking areas serving such accessory uses shall not occupy more than five (5) percent of the gross area of the travel trailer park, and shall be sized, laid out and designed to serve only the frequent trade or service needs of travelers patronizing the travel trailer park;
- H. No part of any travel trailer park shall be used for the parking or storage of any heavy equipment or trucks exceeding one-ton capacity;

- I. No home occupation or business shall be operated from a travel trailer park;
- J. All contiguous lots of record proposed for the development of a travel trailer park under one (1) ownership or management shall be consolidated into a single lot of record upon development of the park and an appropriate document to memorialize this condition shall be recorded in the deed and mortgage records for Yamhill County prior to the issuance of any building permit; and
- K. A responsible caretaker, owner, or manager shall be placed in charge of any travel trailer park to keep all grounds, facilities and equipment in a clean, orderly, and sanitary condition, and shall be answerable to the owner for any violation of the provisions of this or any other Ordinance.

1003.02 Layout and Design Specifications.

The following layout and design specifications shall apply to any travel trailer park:

- A. A buffer area shall be provided immediately within all boundaries, all of which shall be loamed, seeded and planted with grass and at least one row of deciduous and/or evergreen trees spaced not more than twenty (20) feet apart, and one or more rows of bushy shrubs or hedge capable of attaining a height of at least five (5) feet within three (3) years. Plantings shall be hardy, appropriate for the use and location, and planted so as to thrive with normal maintenance. The required buffer area shall be a minimum of twenty (20) feet in depth within all boundaries common to a residential zoning district or public street, other than an alley; and the required buffer area shall be a minimum of ten (10) feet in depth within all other boundaries;
- B. No recreation or service area, except for waterfront recreation, may be located within a buffer area;
- C. No travel trailer may be located within a buffer area;
- D. No building or structure may be erected or placed within a buffer area, except a sign, fence or wall;

- E. No refuse-disposal area shall be located within a buffer area;
- F. No plant material or land may be deposited or removed within a buffer area except as a part of a recognized landscaping scheme or except for emergency access;
- G. Only roads which cross as close to right angles as practicable and connect directly with the road system contained within the remainder of the park shall be permitted within a buffer area; no road shall traverse the buffer area and give direct access from any public road to any travel trailer space;
- H. The road system shall comply with modern subdivision design practice as prescribed by the Standards and Specifications for Road Construction in Yamhill County, Oregon, 1975, as amended;
- I. The walkway system shall provide safe, convenient, all-season pedestrian access only, shall be of adequate width for intended use (minimum three (3) feet), and shall be durable and convenient to maintain;
- J. At least one (1) off-street parking space shall be provided for each travel trailer space plus one (1) additional space for each four (4) travel trailer spaces to provide for guest parking. Grouped parking spaces shall be located within one hundred fifty (150) feet of the travel trailer spaces served;
- K. All recreation areas shall be well drained, grassed or hard-surfaced and dust free;
- L. The boundaries of each travel trailer space shall be delineated by suitable permanent markers in such a way that the boundaries of any space can be readily ascertained;
- M. Each travel trailer space shall have sufficient unobstructed access to, or frontage on, a travel trailer park road, so as to permit the movement of travel trailers;
- N. Each travel trailer space shall have a minimum area of five hundred (500) square feet and shall have one (1) conveniently located automobile parking space;

- O. Within a travel trailer park, minimum setbacks shall be provided as follows: travel trailer shall be located at least five (5) feet from any buffer area, at least ten (10) feet from any private road, at least twenty (20) feet from any service building, service area, recreation area, or from another travel trailer space and at least twenty-five (25) feet from any boundary of the travel trailer park. Service buildings, service areas and recreation areas shall be located at least ten (10) feet from any private road, travel trailer space, or grouped bay parking area;
- P. No structural addition to any travel trailer or mobile home shall be permitted;
- Q. All refuse containers shall have an animal proof lid and shall be maintained in a clean and sanitary condition. Garbage and refuse shall be disposed of in such a manner to control flies, rodents and odors;
- R. All utilities, including electrical power and telephone lines, shall be installed underground;
- S. All roads, walkways, grouped-bay parking and service areas shall be provided with lighting adequate to ensure the safety of vehicular and pedestrian traffic; and
- T. All lighting shall be arranged so far as possible to reflect away from travel trailer spaces.

1003.03 Applications.

All applications for review of plans and specifications for any travel trailer park shall be made pursuant to the Type A application procedure set forth in Section 1301, and shall contain:

- A. The documentation required for any application as set forth in Mobile Home Park Standards, adopted as Oregon Administrative Rule, Chapter 814, Subdivision 3, Mobile Home Parks, Section 28.050; and
- B. The documentation for site-design review as set forth in Section 1101 of this Ordinance.

1004. HOME OCCUPATIONS

1004.01 Purpose.

A home occupation is any occupation carried on for remuneration by a resident on any parcel occupied by a dwelling, with the home occupation being clearly incidental to the use of the dwelling or parcel for residential purposes.

1004.02 Standards and Limitations.

The following standards and limitations shall apply to home occupations:

- A. A home occupation may be conducted within or in conjunction with a principal dwelling, except that no home occupation shall be permitted on any parcel if approval has been granted for another home occupation or a small business on the same parcel, unless the conditional use permit for such other use is first invalidated and the use discontinued. A home occupation shall not be permitted in conjunction with a secondary dwelling.
- B. Two (2) or more residents of the same dwelling or parcel may be engaged in the same home occupation; however, no more than one (1) home occupation shall be permitted in conjunction with any dwelling or parcel. Activities which are substantially different in nature shall be considered separate home occupations.
- C. No person shall be engaged in a home occupation other than residents of the parcel on which the home occupation is conducted.
- D. A home occupation conducted within a dwelling shall not occupy more than twenty-five (25) percent nor more than five hundred (500) square feet of the gross floor area of the dwelling.
- E. In addition to area used within a dwelling, a home occupation may be conducted within one (1) or more accessory buildings, subject to the following requirements:
 - 1. The accessory building must be located on the same parcel as the dwelling in which the persons engaged in the home occupation reside;

2. The total gross floor area of the accessory building shall not exceed five hundred (500) square feet when the parcel on which the home occupation is conducted is ten (10) acres or less in size, and shall not exceed twelve hundred (1200) square feet when the parcel is more than ten (10) acres in size;
 3. No accessory building used for a home occupation shall be located within fifty (50) feet of any State Highway, County road or city limit; and
 4. No accessory building used for a home occupation shall be located within twenty (20) feet of any dwelling.
- F. There shall be no visible evidence of the conduct of a home occupation from any road or adjacent property, other than permitted signs. Any outdoor storage or outdoor work areas shall be effectively screened by vegetation or by a sight obscuring fence.
- G. A home occupation shall not generate noise, vibration, glare, fumes, odors, electrical interference or other disturbance beyond what normally occurs in the applicable zoning district.
- H. A home occupation shall not generate traffic or parking beyond what normally occurs in the applicable zoning district.
- I. Off-street parking spaces shall be provided for clients or patrons up to a maximum of three (3) spaces and shall not be located in any required yard.
- J. Any home occupation conducted in an EF-40 or AF-20 District shall only be conducted within a dwelling or other buildings customarily provided in conjunction with farm use.
- K. One (1) on-premise sign shall be permitted in conjunction with a home occupation, subject to the sign provisions set forth in Section 1006.
- L. The nature of a proposed home occupation shall be specified at the time of application. Any proposed change in the nature of an approved home occupation shall require a new conditional use permit. Any departure from the uses and

activities initially specified shall be considered grounds for revocation of the conditional use permit.

- M. A permit for a home occupation shall be deemed personal to the applicant and shall not run with the land. Such permit shall expire two (2) years from the date of issuance, at which time the permit may be renewed by the Director upon a finding that the requirements of this Ordinance are being met. A fee for renewal of the permit may be imposed by the Director.

- N. Pursuant to the nonconforming use provisions of Section 1205 of this Ordinance, any proposed expansion or change in the nature of a home occupation in operation prior to adoption of this Ordinance shall be subject to the requirements of this Section and shall require a conditional use permit. In the event of denial of such an application, the home occupation shall be allowed to continue at its original scale and nature as a nonconforming use.

1005. SMALL BUSINESSES

1005.01 **Purpose.**

For the purposes of this Section, a small business is any occupation carried on for remuneration by a property owner on a parcel occupied by a dwelling, which also employs not more than two (2) other persons not residing on the parcel, subject to the standards and limitations set forth in subsection 1005.02.

1005.02 **Standards and Limitations.**

The following standards and limitations shall apply to any small business as defined in subsection 1005.01:

- A. A small business may be conducted within or in conjunction with a principal dwelling in the AF-10 District or any VLDR District or any LDR District, except that no small business shall be permitted on any parcel if approval has been granted for another small business or for a home occupation on the same parcel, unless the conditional use permit for such other use is first invalidated and the use discontinued. A small business shall not be conducted in conjunction with a secondary dwelling.
- B. Two (2) or more residents of the same dwelling or parcel may be engaged in the same small business; however, no more than one (1) small business shall be permitted in conjunction with any dwelling or parcel. Activities which are substantially different in nature shall be considered separate small businesses.
- C. A small business may involve two (2) persons not residing on the parcel who are engaged in activities related to the small business. In addition, a small business may involve two (2) persons not residing on the parcel who are engaged in activities which are related to the small business and which are not conducted on the same parcel (delivery services, sales, etc.).
- D. A small business conducted within a dwelling shall not occupy more than twenty-five (25) percent nor more than five hundred (500) square feet of the gross floor area of the dwelling.

- E. The total area used for outdoor storage shall not exceed five hundred (500) square feet when the parcel on which the small business is conducted is ten (10) acres or less in size, and shall not exceed one thousand (1000) square feet when the parcel is more than ten (10) acres in size.
- F. There shall be no visible evidence of the conduct of a small business from any road or adjacent property, other than permitted signs. All outdoor storage or outdoor work areas shall be effectively screened by vegetation or by a sight-obscuring fence.
- G. A small business shall not generate noise, vibration, glare, fumes, odors, electrical interference or other disturbance beyond what normally occurs in the applicable zoning district.
- H. A small business shall not generate traffic or parking beyond what normally occurs in the applicable zoning district.
- I. Off-street parking spaces shall be provided for clients or patrons up to a maximum of three (3) spaces and shall not be located in a required front yard.
- J. One (1) on-premise sign shall be permitted in conjunction with a small business, subject to the sign provisions set forth in Section 1006.
- K. The nature of a proposed small business shall be specified at the time of application. Any proposed change in the nature of an approved small business shall require a new conditional use permit. Any departure from the uses and activities initially specified shall be considered grounds for revocation of the conditional use permit.
- L. A permit for a small business shall be deemed personal to the applicant and shall not run with the land. Such permit shall expire two (2) years from the date of issuance, at which time the permit may be renewed by the Director upon a finding that the requirements of this Ordinance are being met. A fee for renewal of the permit may be imposed by the Director.

1006. SIGNS

1006.01 Purpose.

The purpose of this Section is to provide information about and direct travelers to services and points of interest; and to provide a pleasant environment to the people of Yamhill County while regulating such signs that will not, by reason of their size, location, construction or manner of display endanger the public safety of individuals or confuse, mislead or obstruct the vision necessary for public safety and welfare and to preserve the aesthetic and recreational value of travel on roadways.

1006.02 General Provisions.

A. Permits.

Permits shall be required for all signs that are:

1. Electrical or illuminated and outdoor portable;
2. Free-standing and greater than one hundred (100) square feet in surface area;
3. Roof-mounted or wall-mounted and greater than twenty (20) square feet in area; and
4. Business identification signs erected within County rights-of-way; and

B. State Permits.

All business identification or advertising signs along state highway corridors, whether sited on-premise or off-premise, shall conform to the provisions of the Oregon Motorist Information Act, 1971 and are subject to permits from the Oregon State Highway Division; signs within the highway corridor permitted by the State shall be deemed to meet the requirements of this Ordinance.

C. Political Signs.

Political signs, together with pre-existing billboards, are exempt from the permit provisions of this Section; however, said signs are subject to

the requirements regulating illumination and structural integrity as provided by the National Electric Code.

D. Setbacks.

All signs shall be situated so as not to adversely affect safety, corner vision or other similar conditions. Unless otherwise specified, all signs shall observe the yard setback requirements of the zoning district in which they are located.

1. Sign clearances shall be in accordance with Section 225 of the National Electric Code.

E. Blanketing.

No sign shall be situated in a manner which results in the blanketing of an existing sign.

F. Illuminated Signs.

Signs shall be nonflashing and nonrevolving. Artificially illuminated signs, or lights used to indirectly illuminate signs shall be placed, shielded or deflected so as not to shine in dwelling units or to create excessive glare along adjacent roads. The light intensity of an illuminated sign shall not exceed the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.

G. Pre-existing Signs.

1. Signs and sign structures not conforming to the requirements of this Ordinance shall be subject to the amortization provisions set forth in subsection 1006.09.
2. Pre-existing billboards shall be exempt from the above provisions; except, billboards shall be deemed to be a business nonconformity and be subject to Section 1205 of this Ordinance.

H. Off-Premise Signs.

Off-premise signs shall not be allowed except as provided in subsection 1006.07.

1006.03 On-premise Signs in the F-40, EF-40, AF-20, AF-10, MR, RI, LI and HI Districts.

In the F-40, EF-40, AF-20, AF-10, MR, RI, LI and HI Districts on-premise signs shall be regulated as follows:

- A. The following on-premise signs shall be permitted:
1. Those denoting the name of the owner or the name or address of the property, provided that such sign shall not exceed twenty-four (24) square feet;
 2. Those advertising the sale or rental of the property, provided that such sign shall not exceed twelve (12) square feet;
 3. Warning or safety signs associated with a permitted or conditional use, provided that such sign shall not exceed twelve (12) square feet;
 4. Those describing activities conducted by a business or by an agricultural or forestry enterprise allowed as a permitted or conditional use on the parcel or lands under the same ownership; and
 5. Those denoting a home occupation or small business.
- B. For all parcels of more than five (5) acres in size, permitted signs shall not exceed a total of one-hundred fifty (150) square feet, and no single sign shall exceed fifty (50) square feet in area. For all parcels of five (5) acres or less in size, permitted signs shall not exceed a total area of sixty-four (64) square feet and no single sign shall exceed thirty-two (32) square feet in area.
- C. No sign shall project over any right-of-way line, except as provided in Subsection 1006.07.
- D. All signs advertising the sale of seasonal produce grown on the property, or on other lands under the same ownership, shall be permitted only during the season in which the produce is harvested and made available for sale.
- E. Flashing signs or signs illuminated in such a manner that they appear to flash shall be

prohibited, except that illuminated signs may be allowed as provided in subsection 1006.06.

- F. Roof signs shall be allowed; however, if greater than twenty (20) square feet in area, they shall be subject to subsection 1006.01(A)(3).

1006.04 On-premise Signs in the VLDR and LDR Districts.

In the VLDR and LDR Districts, on-premise signs shall be regulated as follows:

- A. The following on-premise signs shall be permitted:
 - 1. Those denoting the name of the owner or the name and address of the property;
 - 2. Those advertising the sale or rental of the property;
 - 3. Warning or safety signs associated with a permitted or conditional use;
 - 4. Those advertising the sale of agricultural or forest products grown on the same parcel;
 - 5. Those denoting a home occupation or small business; and
 - 6. Those describing activities allowed as a conditional use on the parcel.
- B. Not more than two (2) signs shall be permitted on any parcel, the total square footage of which shall not exceed twelve (12) square feet, except for six (6) square feet on a parcel of less than one (1) acre in size.
- C. No sign shall project over any right-of-way line, except as provided in Subsection 1006.07.
- D. Signs advertising the sale or rental of real property, on a temporary basis, shall be exempt from the provisions of this Section.
- E. All signs advertising the sale of seasonal produce, grown on the property, shall be permitted only during the season in which the produce is harvested and made available for sale.
- F. Roof signs, illuminated signs, flashing signs or signs illuminated in such a manner that they

appear to flash shall be prohibited, except that illuminated signs may be allowed as provided in subsection 1006.06.

1006.05 On-premise signs in the RC, HC and NC Zoning Districts.

In the RC, HC and NC Districts, on-premise signs shall be regulated as follows:

A. Where a site is occupied by one (1) or more businesses, the permitted area of on-premise signs shall be as follows:

1. The total sign area shall not exceed eight (8) percent of the total square footage of the on-premise principal business buildings and business parking area, as required in this Ordinance, and in no case shall the total sign area exceed two thousand (2000) square feet;

a. Where more than one (1) business activity exists upon a single parcel, and such businesses occupy separate buildings, each such business shall be allowed signage not to exceed eight percent (8%) of the total square footage of each principal business building and required parking area. This provision may be modified in accordance with Section 903 for planned unit developments or Section 1101 for site design review.

2. A single face of any one (1) sign shall not exceed one-half of the total permitted sign area or two-hundred (200) square feet, whichever is less;

3. A minimum of two-hundred (200) square feet of sign area shall be permitted for any single parcel regardless of the size of the business area as determined pursuant to subsection 1006.04(A)(1);

4. If two (2) or more businesses share a common business space and/or parking area, the total sign area allowed shall be proportionately allocated between or among such businesses, and shall not exceed the total sign area allowed as set out by this Section; and

5. Illuminated and/or lighted signs may be allowed as provided in subsection 1006.06.

- B. On-premise signs may be erected or maintained only upon or above:
1. That portion of a building, structure or parcel actually occupied or used for the purposes advertised by the on-premise sign; or
 2. Any adjacent property, under common ownership, or leased under the same lease as the advertised enterprise and which is used for storage, parking or business related purposes, and which is located not more than three-hundred (300) feet from some portion of the premises directly occupied for the advertised use, and which lies within the same zoning district as the advertised use.
- C. Sign heights shall be limited as follows:
1. Any sign attached to or placed upon a building shall not extend more than fifteen (15) feet above the highway grade or building, whichever is higher; and
 2. No free-standing sign shall extend more than thirty-five (35) feet above the grade of the road.
- D. Service signs shall be exempt from the square footage requirements unless they are primarily used to attract customers to the premise. Service signs include, but are not limited to, the following:
1. Signs attached to or part of vending machines, public telephones or other devices furnishing public services not related to the business conducted on the premises;
 2. Signs displayed for direction or instruction (restroom, freight entrance, parking, etc.);
 3. Signs required by law or designed solely in the interest of public safety; and
 4. Signs located directly on and not extending beyond the component parts of inexchangeable display stands, as long as they do not exceed fifty (50) square feet of sign area for all such devices on the property.

- E. Nothing in this Ordinance shall be deemed to affect signs within enclosed buildings or inside windows, whether or not such signs are visible from the road.
- F. Flashing signs, strings of lights, pennants or similar devices shall be prohibited, except for the following:
 - 1. National, state, institutional or corporate flags properly displayed;
 - 2. Holiday decorations in season; and
 - 3. Streamers, banners, etc., used for one (1) week only to call attention to the grand opening of a completely new business or the grand opening of a business that has relocated to entirely new premises.

1006.06 Electrical and Illuminated Signs in the RI, LI, HI, RC, HC and NC Zoning Districts.

Electrical and illuminated signs shall be permitted on-premise within the RI, LI, HI, RC, HC and NC Districts and shall be regulated as follows:

- A. Electrical equipment used in connection with electrical or illuminated signs shall be installed in accordance and by permit with the National Electric Code.
- B. Signs incorporating electrical components shall be constructed of noncombustible materials, other than plastics, as approved by the National Electrical Code. The enclosed shell of electric signs shall be water-tight except that service holes fitted with covers shall be provided into each compartment of such signs.
- C. Every sign containing electrical components or illumination devices shall bear an underwriter's label, or approved testing laboratory, and the name of the sign erector and the date of installation. Such name and date shall be placed and maintained at a readily legible location on the sign structure.
- D. No electrical or illuminated sign shall exceed fifty (50) square feet in surface area.

1006.07 Off-premise Business Identification Signs.

A. Off-premise business identification signs shall be regulated by the Yamhill County Road Department and permitted within County rights-of-way as follows:

1. For such signs within County or public rights-of-way, a placement permit and permit to work within the right-of-way shall be obtained from the Yamhill County Road Department prior to placement of any such sign. Such signs shall meet all requirements as follows:

a. County Roadmaster Approval. Off-premise business identification signs shall not be erected until the County Roadmaster, or his designate, has reviewed and approved the sign design and proposed location. A fee for this review may be set by the Board.

b. Maintenance and Removal. The County Roadmaster, or his designate, shall inspect and shall have the authority to order painting, repair, alteration or removal of a sign which may constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or placement not in accordance with this Section.

c. Design. An official off-premise business identification sign shall be eighteen (18) by thirty (30) or twelve (12) by eighteen (18) inches in size. It shall have a standardized blue background with a white reflectorized border, and lettering shall be of the same white reflectorized material.

d. Sign Text. The letter heights and widths shall be such that a single sign, or all the signs comprising a sign assembly, may be read by a motorist without having to reduce vehicle speed below the normal operating speed of the road. The text may include only the name of the establishment and the direction and, if

desired, distance to it.

- e. Sign Supports. The posts used for mounting the sign shall conform with the County Roadmaster's standards for breakaway and yielding type posts.
- f. Locations. For purposes of measurement, an intersection is defined as that point in the centerline of a County or public road where the centerline of another County or public road intersects or joins the centerline of such road at an angle, whether such road crosses or not. The following minimum measurements shall apply to the location of single or assembled signs:
 - (i) a sign must be located not less than eight (8) feet from the edge of the pavement or two (2) feet from the face of curbs to the near edge of the sign. The sign must face the flow of the traffic nearest it;
 - (ii) a sign must be located not less than two hundred (200) feet approaching and two hundred (200) feet beyond a traffic control sign or device in the direction of a traffic flow;
 - (iii) a sign must be located not less than one hundred (100) feet approaching and one hundred (100) feet beyond other intersections;
 - (iv) a sign must be located not less than seven hundred (700) feet approaching and two hundred (200) feet beyond a railroad grade crossing in the direction of flow of the traffic;
 - (v) a sign must be located not less than two hundred (200) feet approaching another business identification sign or assembly or two hundred (200) feet beyond in the direction of the flow of the traffic;
 - (vi) the location of an existing traffic control device shall take precedence over the location of a business identification sign, either existing or proposed; and

(vii) signs shall be located in those areas where there is a change in direction from one road to another, or where there may be confusion over which direction to take.

- B. Off-premise business identification signs erected in conformance with permits issued by the State of Oregon shall be permitted in any zoning district pursuant to subsection 1006.02(A)(5).

1006.08 Sign Construction and Maintenance.

All signs shall be constructed and maintained as follows:

A. Construction.

All signs covered by this Ordinance shall be constructed at the expense of the sign or business owner, and shall be erected in conformance with this Ordinance. All signs subject to building or electrical permits shall be reviewed by the Director and approved prior to construction or placement. Off-premise business identification signs are prohibited except as provided for in subsection 1006.07.

B. Maintenance and Removal.

Every sign, including those specifically exempt from this Ordinance, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports. The Director shall inspect and shall have the authority to order the painting, repair, alteration or removal of a sign which may constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence. Every sign containing any electrical components or illuminated by electric lighting must bear an underwriter's label, or an approved substitute.

C. Signs Requiring State Permits.

For those signs requiring State permits and County review, any violation of State requirements shall be deemed to be a violation of

County requirements and the County may seek to correct the violation pursuant to Section 1406 for enforcement.

1006.09 Nonconforming Signs, Removal.

- A. Pre-existing billboards, maintained as a business enterprise, are exempt from the above amortization provisions.

1006.10 Temporary Signs for Nonprofit Organizations.

Temporary signs for nonprofit organizations may be allowed to advertise various nonprofit, charitable activities. Signs may be placed upon private property, upon consent of the property owner, but shall not precede the advertised event by more than one (1) week. All such signs shall be removed by the sponsoring organization not later than five (5) days following the event. Such signs shall conform to the requirements of the underlying district.

1006.11 Temporary Political Signs.

Temporary political signs advertising candidates or issues may be erected on private property, with consent of the property owner, during an election campaign. Such signs shall conform to the requirements of the State.

1006.12 Abandonment and Removal.

Any sign which does not contain legibly printed matter on the display surface, or which by its nature has become obsolete for a period of three (3) months, shall be deemed to have been abandoned by the owner thereof and shall be subject to removal by the County Roadmaster or his designate.

1007. OFF-STREET PARKING AND LOADING

1007.01 Purpose and Scope.

The off-street parking and loading requirements of this Section shall apply to those uses specifically listed in this Section. A dwelling which is not a duplex or multi-family dwelling shall not be subject to the requirements of this Section; however, a minimum off-street parking area sufficient to accommodate two (2) cars shall be provided for each such dwelling. The requirements for any use not specifically listed in this Section but which may require off-street parking and loading facilities shall be determined by the Director based upon the requirements for comparable uses listed herein. At the time of construction of a new building or structure, or at the time of enlargement or change in use of an existing building or structure within any zoning district, off-street parking spaces shall be provided as specified herein, unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area of the building or structure primary to the functioning of the particular use of the parcel, but shall exclude space devoted to off-street parking or loading.

1007.02 Off-street Parking and Loading Regulations.

A plan drawn to scale indicating how the following off-street parking general provisions and design requirements are to be fulfilled shall accompany an application for a building permit:

A. General Provisions.

1. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. Should the owner or occupant of any parcel, building or structure change the use to which

said parcel, building or structure is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and in violation of this Ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are complied with.

2. In the event several uses occupy a single parcel, building or structure, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
 3. Owners of two (2) or more uses, parcels, buildings or structures, may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Director in the form of deeds, leases, or contracts to establish joint use.
 4. Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. All other required parking spaces shall be located not further than two hundred (200) feet from the use, parcel, building or structure they are required to serve, measured in a straight line from such use, parcel, building or structure.
 5. Off-street parking spaces for dwellings shall not be located in a required front yard or in a required side yard on the street sides of a corner parcel.
 6. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- B. Design requirements for parking lots and loading areas shall be as follows:
1. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-

weather use and drained as to avoid flow of water across sidewalks or onto adjacent private property;

2. Except for parking to serve residential uses, parking and loading areas adjacent to residential zoning districts or adjacent to residential uses shall be designed to minimize disturbance of residents;
3. Artificial lighting which may be provided shall be deflected so as not to shine or create glare in any residential zoning district or on any adjacent dwelling;
4. Access aisles shall be of sufficient width for all vehicular turning and maneuvering;
5. Groups of more than four (4) parking spaces shall be located and served by a driveway so that their use will require no backing movements or other maneuvering within a road right-of-way other than an alley;
6. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the parcel; and
7. Service drives shall have a minimum clear-vision area formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection.

C. Off-street Parking Space Standards.

| USE | STANDARD |
|------------------------------------|---|
| Duplex or multi-family dwelling | One and one-half(1 1/2) spaces per dwelling unit. |
| Boarding, lodging or rooming house | One (1) space per two(2) guest accommodations. |
| Retail commercial use | One (1) space per 300 square feet of floor area. |

| | |
|--|---|
| Service commercial use | One (1) space per 400 square feet of floor area. |
| Clinic | One (1) space per 200 square feet of floor area. |
| Motels, resorts, and rental similar uses | One (1) space per unit. |
| Manufacturing use | One (1) space per 1,000 square feet of floor area. |
| Wholesale storage and related use | One (1) space per 2,000 square feet of floor or storage area. |
| Hospital, private | One (1) space per two (2) beds for patients or residents. |

1008. DAY CARE FACILITIES

1008.01 Standards and Requirements.

Day care facilities shall be subject to the following minimum requirements:

- A. The proposed facility shall maintain all applicable licenses required by the appropriate agencies for the use described in the application.
- B. All day care facilities shall be subject to Section 1101 for site design review. Special considerations for this use are as follows:
 - 1. Compatibility in appearance with the surrounding area;
 - 2. Provision of usable on-site open space appropriate to the needs of the day care persons; and
 - 3. Clearly defined property boundaries.

1008.02 Application Requirements.

In addition to the Type B application procedure set forth in Section 1301 and the conditional use permit review criteria set forth in Section 1202, an application for a day care facility shall include the following:

- A. A description of the proposed use, including the maximum number of day care persons to be served, the number of staff, and estimated days and hours of operation; and
- B. A site plan showing existing or proposed structures and improvements, including landscaping, play yards and parking areas, and the location of structures and improvements on adjacent properties.

1009. TEMPORARY PERMITS

1009.01 Purpose.

The purpose of a temporary permit is to allow on a temporary basis, location of structures for an activity or use which is temporary or seasonal in nature provided such activity or use is consistent with the intent of the zoning district in which it is located and is in compliance with the provisions of this Ordinance. No temporary permit shall be issued which would have the effect of permanently rezoning or granting a special privilege not shared by other properties in the same zoning district.

1009.02 Standards and Requirements.

The following minimum requirements shall apply to temporary permits:

- A. A structure for which a temporary permit is issued shall be subject to the standards and limitations of the zoning district in which it is located.
- B. The structure shall meet all applicable County Health and Sanitation requirements.
- C. The structure shall meet all applicable County Building Code requirements.
- D. The structure shall be removed upon expiration of the temporary permit unless renewed by the Director. In no case, shall a temporary permit be issued for a period exceeding nine (9) months, unless the permit is renewed pursuant to this Ordinance.

1009.03 Conditions of Approval.

In issuing a temporary permit, the Director may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to, the following:

- A. Increasing the required yard dimensions;
- B. Requiring fencing, screening, or landscaping to protect adjacent or nearby property;

- C. Limiting the number, size, location or lighting of signs;
- D. Limiting the time for certain activities; and
- E. Limiting the total duration of the use.

SECTION 1100

SITE DESIGN

1101. SITE DESIGN REVIEW PROCESS AND STANDARDS

1101.01 **Purpose.**

The site design review process is intended to guide future growth and development in accordance with the Comprehensive Plan and other related County Ordinances, to provide for an efficient process and framework to review commercial and industrial development proposals, to insure safe, functional, energy-efficient developments which are compatible with the natural and man-made environment, and to resolve potential conflicts that may arise between proposed developments and adjacent uses. This Section shall apply to all development in all Commercial, Industrial, and Public Facilities Districts, all development in the PRO District, and all other uses as may be required by this Ordinance in the AF-10, VLDR and LDR Districts.

1101.02 **Evaluation of Site Development Plans.**

- A. The review of a site development plan shall be based upon consideration of the following:
1. Characteristics of adjoining and surrounding uses;
 2. Costs of development of the proposed use;
 3. Traffic safety, internal circulation and parking;
 4. Provision for adequate noise and/or visual buffering from noncompatible uses;
 5. Retention of existing natural features on site; and
 6. Problems that may arise due to development within potential hazard areas.
- B. All development applications for site design review are subject to the development standards of the underlying zoning district and may be modified pursuant to satisfaction of the considerations provided in subsection 1101.02(A). The Director may waive submittal requirements consistent with the scale of the project being reviewed subject to subsection 1101.05(B).

1101.03 Site Development Plan Review Procedures.

The Director shall review site development plans subject to the following procedures:

- A. Pre-application conference. A pre-application conference shall be held prior to submittal. An application form together with appropriate ordinance requirements shall be provided to the applicant at the pre-application conference.
- B. Preliminary Site Development Plan Submittal and Review. A preliminary plan, together with a site design review application, shall be submitted for review in accordance with the requirements of this Section and the underlying zoning district. The Director shall inform the applicant in writing within thirty (30) days of receipt of the preliminary plan and application concerning compliance with applicable ordinance and development standards. Conditions may be imposed outlining modifications or changes necessary for final plan approval. If modifications or changes are not required, a preliminary plan may be approved as a final plan.
- C. Final Site Development Plan Submittal. If a final site development plan is required, the final plan shall be submitted for review in accordance with the requirements of this Section. The Director shall inform the applicant in writing within fifteen (15) days of receipt of the final site plan of action taken for approval.
- D. Appeal of Director's Decision. The decision of the Director may be appealed to the Board, pursuant to the provisions of Section 1404 for appeals.

1101.04 Preliminary Site Development Plan Requirements.

The following site design information shall be represented at a scale of 1"=50', or an appropriate scale as may be approved by the Director:

- A. Existing site conditions as follows:
 - 1. Site topography at the following minimum intervals:
 - a. Two (2) foot intervals for slopes of up to 15%;

- b. Five (5) or ten (10) foot intervals for slopes in excess of 15%; and
 - c. Identification of areas exceeding 35% slopes.
 2. Site drainage, creeks, ponds or areas of standing water, potential flooding and soil or geologic hazard;
 3. Major trees 8" in diameter at five (5) feet height, together with areas of significant natural vegetation. Where the site is heavily wooded, an aerial photograph, not to exceed 1"=400' may be submitted; and only those trees that will be affected by the proposed development need be sited accurately;
 4. Classification of soil types within the site and discussion of their suitable uses;
 5. Existing structures, improvements, roadway access and utilities, together with the film volume and page number of all easements affecting the property; and
 6. Existing land uses, ownerships, property lines and building locations on adjoining and adjacent property within three hundred and fifty (350) feet of the subject property.
- B. Proposed changes and improvements to the site as follows:
 1. Proposed site improvements, including:
 - a. Boundary lines and dimensions for the property and proposed topographical changes;
 - b. All proposed structures, including finish floor elevations and setbacks;
 - c. Vehicular and pedestrian circulation patterns and parking, loading and service areas;
 - d. Site drainage plan, including location of sumps or settling ponds; and
 - e. A boundary survey and cross sections, and profiles as may be required by the Director.

2. Proposed utilities, including subsurface sewerage, water supply system and electrical services. Inverse elevations shall be shown for all underground transmission lines.
 3. Proposed access to public roads and highways, railroads or other commercial or industrial transportation systems.
 4. Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses.
 5. Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks.
- C. A written statement to accompany the site development plan, containing the following:
1. A statement of present ownership of all lands included within the proposed development; and
 2. A schedule of expected development.

1101.05 Final Site Plan Requirements.

The final development plans shall include the same information required for a preliminary plan together with any revisions, adjustments or refinements that may be required for compliance with the general development standards.

- A. The final plan shall include the following information and shall be labeled by the Director as follows:

Exhibit A - Proposed Schedule of Development

Exhibit B - Site Analysis (map of existing conditions)

Exhibit C - Site Plan

Exhibit D - Final Grading Plan

Exhibit E - Landscape Planting Plan

Exhibit F - Cross Sections, Elevations and/or
Architectural Drawings of Proposed
Structures.

- B. If submittal of any of the above exhibits are waived by the Director, justification to support such a decision shall be provided by the Director.
- C. Any proposed changes in connection with an approved plan shall be reviewed and approved in accordance with the same procedures set forth under this Section.

1101.06 Compliance with Site Development Plans.

Failure to comply with this Section or with an approved site development plan shall constitute a violation of this Ordinance and shall be subject to Section 1406 for enforcement.

SECTION 1200

LAND USE APPLICATION REVIEW CRITERIA AND GENERAL REQUIREMENTS

1201. GENERAL PROVISIONS

1201.01 **Burden of Proof.**

The applicant shall bear the burden of proof for the granting of any land use action described in this Ordinance.

1201.02 **Findings.**

Findings made by the decision-making body in justification of any application authorized pursuant to this Ordinance shall be made in writing and shall be provided to the applicant.

1201.03 **Combined Applications.**

Any request which involves more than one (1) land use application shall be combined into a single application for processing purposes.

1202. CONDITIONAL USE CRITERIA AND REQUIREMENTS

1202.01 Purpose.

The purpose of a conditional use is to provide for those uses which possess unique and special characteristics making impractical their inclusion as outright permitted uses in the underlying zoning district. Such uses shall not be incompatible with the type of uses permitted in surrounding areas. Location and operation of designated conditional uses shall be subject to review and authorized only by issuance of a conditional use permit.

1202.02 Review Criteria.

A conditional use may be authorized, subject to the Type B application procedure set forth in Section 1301, upon adequate demonstration by the applicant that the proposed use satisfies all relevant requirements of the Ordinance, including subsection 1202.05; the specific criteria relative to the particular use, as provided in the particular zoning district; and the following general criteria:

- A. The use is listed as a conditional use in the underlying zoning district;
- B. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
- C. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district; and
- E. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

1202.03 Conditions of Approval.

In approving an application for a conditional use, the decision-making body may impose conditions to protect

the area surrounding the proposed use and to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to, the following:

- A. Increasing the required parcel area or yard dimensions;
- B. Limiting the height, size, or location of buildings and structures;
- C. Controlling the location and number of vehicle access points;
- D. Increasing the road width;
- E. Increasing the number of required off-street parking or loading spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring fencing, screening, or landscaping to protect adjacent or nearby property;
- H. Prescribing exterior finish for buildings or additions thereto;
- I. Designating areas and prescribing improvements for open space; and
- J. Prescribing a time limit within which to fulfill any established conditions.

Such conditions may be set forth in a formal affidavit executed by the applicant and Yamhill County. Said affidavit shall be recorded in the deed and mortgage records of Yamhill County.

1202.04 Performance Bond.

The Commission may require an applicant, upon approval of a conditional use permit, to enter into a performance agreement with the County and to furnish the County with an appropriate financial guarantee to ensure that the required improvements are completed according to the plans approved by the Commission, and that standards established in granting the conditional use permit are observed. This guarantee, which the applicant shall file with the agreement, shall be in the following form:

- A. A surety bond executed by a surety company authorized to transact business in the State of Oregon and on a form and with covenants and stipulations approved by the Commission; or
- B. Cash or certified check; or
- C. An escrow agreement between the applicant and a bank or trust company authorized to transact business in the State of Oregon, and on a form and with covenants and stipulations approved by the Board.

1202.05 General Requirements.

Any conditional use authorized pursuant to this Ordinance shall be subject to the following additional requirements:

- A. A conditional use shall be subject to the standards of the zoning district in which it is located except as these standards have been modified in authorizing the conditional use. No modification of a zoning district standard shall have the effect of rezoning the property.
- B. A conditional use may be enlarged or altered pursuant to the following:
 - 1. Major alterations of a conditional use including changes, alterations or deletion of any conditions imposed shall be processed as a new conditional use permit application, in accordance with the Type B application procedure set forth in Section 1301; and
 - 2. Minor alterations of a conditional use may be approved by the Director if requested prior to issuance of building permits for the conditional use. Minor alterations are those changes which may affect the siting and dimensions of structural and other improvements relating to the conditional use, and may include small changes in the use itself. Any change which would affect the basic type, character, arrangement or intent of the conditional use originally approved shall be considered a major alteration.
- C. Where the granting of a conditional use permit is contingent upon an amendment to this Ordinance and an application for such amendment has been

recommended for approval by the Commission, the Commission may authorize the granting of a conditional use permit contingent upon the necessary final action of the Board in respect to the required Ordinance amendment and further action by the Commission shall not be necessary.

- D. A conditional use permit shall be null and void one (1) year from the date it is granted unless completion or substantial construction has taken place. In the case of a conditional use permit which authorizes a division of land, the permit shall be null and void one (1) year from the date it is granted unless a partition application has been filed. The Director may extend the conditional use permit for an additional period not to exceed one (1) year upon receipt of a written request from the applicant demonstrating good cause for the delay and provided that the request to extend the permit is received by the Director prior to expiration of the original conditional use approval.

1202.06 Compliance with Conditions.

Compliance with conditions imposed in granting a conditional use permit and adherence to the approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance. The Director may revoke any conditional use permit for failure to comply with any prescribed condition of the conditional use permit approval or for any other violation of this Ordinance.

1202.07 Revocation of a Conditional Use Permit.

The procedure for the revocation of a conditional use permit shall be as follows:

- A. If, upon review by the Director, a violation of any condition imposed in granting a conditional use permit or other violations of this Ordinance is found, the Director shall inform the applicant by registered letter of the violation and shall require compliance within ninety (90) days.
- B. If the violation is not corrected, the Director shall inform the Commission of the violation, and shall provide sufficient data to demonstrate the nature of the violation. The Director may then set a hearing date on the violation.

- C. At least ten (10) days prior to the public hearing, the applicant shall be notified by registered letter of the public hearing. In addition, all persons notified of the original application and all who testified at the original hearing shall be notified by regular mail.
- D. The Commission shall conduct a public hearing pursuant to the requirements of Section 1402, and shall determine whether the conditional use permit shall be revoked.
- E. Upon determination by the Commission that a violation has occurred, the Director shall notify the applicant by registered mail and shall forward the determination to the Board pursuant to Section 1406 for enforcement.

1203. VARIANCE CRITERIA AND REQUIREMENTS

1203.01 **Purpose and Scope.**

The purpose of a variance is to provide administrative relief when a strict application of the zoning requirements of lot width, lot depth, building height, setback, access, or other dimensional requirements, excluding lot area, would impose practical difficulties. These difficulties may result from geographic, topographic or other physical conditions on the site or in the immediate vicinity. No variance shall be granted which allows the establishment or expansion of a use otherwise prohibited or subject to conditional use procedures. No variance shall be granted which shall have the effect of rezoning the property. No variance shall be granted which allows the creation of a parcel which is substandard to the minimum parcel size requirements of the particular zoning district.

1203.02 **Review Criteria.**

A variance may be authorized, subject to the Type B application procedure set forth in Section 1301 and pursuant to subsection 1203.01, and upon adequate demonstration by the applicant that the proposed variance satisfies the following criteria:

- A. That special conditions and circumstances exist which are peculiar to the land, building or structure involved;
- B. That granting the proposed variance would be in the public interest and would be in harmony with the purpose and scope set forth in subsection 1203.01, the intent and purpose of the underlying zoning district and the intent and purpose of this Ordinance;
- C. That the variance would result in minimal detriment to the immediate vicinity;
- D. That the variance requested is the minimum variance which would make possible the reasonable use of the applicant's land, building or structure; and
- E. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

1203.03 Conditions of Approval.

In approving an application for a variance, the decision-making body may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out. Such conditions shall be reasonably related to the variance criteria set forth in subsection 1203.02.

1203.04 General Requirements.

Any variance authorized pursuant to this Ordinance shall be subject to the following additional requirements:

- A. An authorized variance is not personal to the applicant and shall be deemed to run with the land;
- B. A variance shall be null and void one (1) year from the date it is granted unless completion or substantial construction has taken place. The Director may extend the variance for an additional period not to exceed one (1) year upon the receipt of a written request from the applicant demonstrating good cause for the delay and provided that the request for extension is received by the Director prior to expiration of the original variance approval.

1203.05 Compliance with Conditions.

Compliance with conditions imposed in approval of a variance and adherence to an approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance. The Director may revoke approval of any variance for failure to comply with any condition imposed in approval of the variance or for any other violation of this Ordinance.

1203.06 Revocation of Variance.

The procedure for the revocation of approval of a variance shall be as follows:

- A. If a violation of any condition imposed in approval of a variance is found, the Director

shall inform the applicant by registered letter of the violation and shall require compliance within ninety (90) days.

- B. If the violation is not corrected, the Director shall inform the Commission of the violation and shall provide sufficient data to demonstrate the nature of the violation. The Director may then set a hearing date on the violation.
- C. At least ten (10) days prior to the public hearing, the applicant shall be notified by registered letter of the public hearing. In addition, all persons notified of the original application and all who testified at the original hearing shall be notified by regular mail.
- D. The Commission shall conduct a public hearing pursuant to the requirements of Section 1402, and shall determine whether approval of the variance shall be revoked.
- E. Upon determination by the Commission that a violation has occurred, the Director shall notify the applicant by registered mail and shall forward the determination to the Board pursuant to Section 1406 for enforcement.

1204. LOTS OF RECORD

1204.01 **Purpose and Scope.**

The purpose of this Section is to encourage the combination of nonconforming lots of record to create conforming parcels where possible, to encourage the use of nonconforming lots of record in a manner which is in keeping with the zoning district in which they are located, and to provide administrative relief in situations where lots of record were purchased in good faith prior to adoption of zoning regulations. ~~Subject to the requirements of this Section and to all requirements of the underlying zoning district, except for minimum parcel size, a dwelling may be developed on a nonconforming lot of record in any zoning district in which dwellings are permitted or authorized as a conditional use. The only provisions or requirements of this Ordinance being excepted by this Section are the minimum parcel size requirements of the applicable zoning districts.~~

1204.02 **Definition of Lot of Record.**

For purposes of this Ordinance, a lot of record is any lot or parcel of land which was created prior to October 3, 1975 by deed, written land sale, contract or other similar instrument, partitioning or subdivision; or any lot or parcel created thereafter in accordance with ORS Chapter 92 and any ordinances adopted pursuant thereto.

1204.03 **Nonconforming Lots of Record Subject to Review.**

Except as provided in subsection 1204.04, the provisions of this Section shall only apply to those lots of record which do not conform to the minimum parcel size requirements of the underlying zoning district as follows:

- A. All parcels of less than forty (40) acres in the F-40 District;
- B. All parcels of less than forty (40) acres in the EF-40 District;
- C. All parcels of less than twenty (20) acres in the AF-20 District;

- D. All parcels of less than ten (10) acres in the AF-10 District; and
- E. All parcels of less than one (1) acre in the VLDR Districts.

1204.04 Mandatory Issuance of Residential Building Permits on Certain Lots of Record.

- A. The County may not deny a permit for the construction or placement of a principal dwelling on, and the requirements of Section 1204.06 through 1204.09 of this Ordinance shall not be mandatory for, any lot of record which:
 - 1. Is located within the unincorporated area of the County, outside of the Willamette River Greenway, outside of areas designated on the Comprehensive Plan as being in a flood plain or geologic hazard area, or designated for urban, industrial or commercial development; and
 - 2. Was lawfully created by or transferred to the present owner by a deed or sales contract executed after December 31, 1964 and before January 1, 1975; and
 - 3. Meets all applicable requirements for establishment of a dwelling, such as sanitation and building code requirements, which are not the result of zoning, rezoning, adopting or amending a Comprehensive Plan or changing the text of a zoning code; and
 - 4. If located in an area designated on the Comprehensive Plan as "AFLH" or "CF", has been on farm or forest deferral for a total of not more than four (4) years.
- B. If greater than possessory interests are held in two (2) or more contiguous lots of record by the same person, parents, children, brothers, sisters, spouses, or a single partnership or business entity, separately or in tenancy in common, for the purposes of subsection 1204.04(A), such contiguous lots of record shall be considered a single lot of record.

1204.05 Contiguous Nonconforming Lots of Record.

If there are more than five (5) contiguous nonconforming lots of record in a single ownership on the date of adoption of this Ordinance, no more than five (5) of these parcels may be approved for construction or placement of a dwelling as provided in this Section. The remaining contiguous nonconforming lots of record under the same ownership, shall only be used or sold in a manner which complies with the minimum parcel size requirements of the underlying zoning district. Furthermore, the Director, at his discretion, or the Commission or the Board, where appropriate, may designate which particular five (5) parcels shall be exempt from this requirement. In addition, the owner of the parcels shall sign an affidavit to the effect that the remaining contiguous lots of record under his ownership shall only be sold as single ownerships in conformance with the minimum parcel size requirements of the underlying zoning district. This affidavit shall be recorded in the deed and mortgage records for Yamhill County upon sale of any such contiguous parcels and the provisions of this affidavit shall be binding upon all subsequent owners of the land. Nothing in this Section shall be construed to remove or nullify any similar restriction or condition imposed under any other land use ordinance, past and present, adopted by Yamhill County.

1204.05 General Standards.

Prior to obtaining a building permit for a principal dwelling on any nonconforming lot of record, the applicant shall demonstrate conformance with the following standards:

- A. The parcel shall have either a valid site approval for a subsurface sewage disposal system, or be connected to a sewage treatment system or facility approved by the State Department of Environmental Quality. For any parcel which is not served by a municipal or community sewer system, the applicant shall provide the Director with either a copy of the septic site approval or evidence of approval of an alternative sewage disposal facility by the County Sanitarian or the State Department of Environmental Quality.
- B. The parcel shall have access of an adequate standard to serve the proposed dwelling and to provide adequate safety to its residents. If the parcel does not abut an existing improved County or

public road which the County Engineer finds to be adequate to accommodate the additional use generated by the proposed development, a private easement, with a minimum right-of-way of thirty (30) feet shall be required to serve the parcel and shall be constructed to the County Emergency Vehicle Standards. If the roadway is to serve four (4) or more parcels, the roadway shall conform to the standards for public roads.

1204.07 Conditions of Approval.

In approving the construction or placement of a principal dwelling on a nonconforming lot of record, the decision-making body may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out and that the proposal is consistent with the purpose of the underlying zoning district.

1204.08 General Requirements.

Authorization of construction or placement of a principal dwelling on a nonconforming lot of record pursuant to this Ordinance shall be subject to the Type A application procedure set forth in Section 1301 and to the following additional requirements:

- A. Any approval issued hereunder is not personal to the applicant and shall be deemed to run with the land;
- B. An approval issued for a permitted principal dwelling shall be null and void three (3) years from the date it is granted unless completion or substantial construction has taken place. The Director may extend the approval for an additional period not to exceed one (1) year upon receipt of a written request from the applicant demonstrating good cause for the delay in the commencement of construction and provided that the request to extend approval is received by the Director prior to expiration of the original approval. An approval issued as a conditional use shall be subject to the time restrictions provided in subsection 1202.05(D) for conditional use permits.

1205. NONCONFORMING USES

1205.01 **Purpose and Scope.**

Within the zoning districts established by this Ordinance and amendments thereto, uses and structures exist which were lawful before the date of adoption or amendment of this Ordinance but which would be prohibited or restricted under the terms of this Ordinance. The general purpose of this Section is to encourage the conversion of such nonconforming uses to conforming uses. However, this Section allows nonconforming uses and structures to be continued, altered, restored or replaced subject to satisfaction of the review criteria specified in subsection 1205.03. Nothing contained in this Ordinance shall require any change in the plans, construction, or designated use of any structure for which a building permit was issued and actual construction commenced prior to the date of adoption of this Ordinance or any amendments thereto. No alteration of a nonconforming use shall be permitted except in compliance with the provisions of this Section.

1205.02 **Definitions.**

For the purpose of this Section, the following words, terms and expressions shall be interpreted in accordance with the following definitions, unless the context requires otherwise:

- A. **Alteration** - a change in structure, an increase in the number of structures, or a change of use. Where the term alteration is applied to a change of a structure, it is intended to be applied to any change, addition or modification in the structure, except for cosmetic changes such as painting, cleaning, etc. When the term alteration is applied to a change of use, it is intended to be apply to changes of use from one (1) business, trade, occupation or use to another, or from one (1) division of trade or use to another.
- B. **Actual construction** - the placement of construction materials in a permanent position and fastened in a permanent manner. Where excavation, or demolition or removal of an existing structure has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

1205.03 Review Criteria.

- A. The Director shall authorize alteration, restoration or replacement of a nonconforming use or structure pursuant to subsection 1205.01, and subject to the Type A application procedure set forth in Section 1301, when any of the following circumstances apply:
1. The alteration is necessary to comply with any lawful requirements for alteration of said use or structure.
 2. Restoration or replacement is made necessary by fire, casualty, or natural disaster. Any restoration or replacement approved pursuant to this subsection shall be commenced within one (1) year from the occurrence of the fire, casualty or natural disaster, or be subject to the provisions of subsection 1205.06.
- B. In any other circumstance, the alteration, restoration or replacement of a nonconforming use or structure pursuant to subsection 1205.01 may be authorized by the Director, subject to the Type B application procedure set forth in Section 1301, and provided that the applicant demonstrates that the proposal satisfies the following criteria:
1. That the alteration of use would result in a reduction in nonconformity of the use, or would have no greater adverse impact on the neighborhood; and
 2. That the alteration of structures or physical improvements would result in a reduction in nonconformity of the structures or improvements or would have no greater adverse impact on the neighborhood.

1205.04 Conditions of Approval.

In approving the alteration, restoration or replacement of a nonconforming use, the decision-making body may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out. Such conditions shall be reasonably related to the criteria set forth in subsection 1205.03.

1205.05 General Requirements.

Authorization of any alteration, restoration or replacement of a nonconforming use or structure pursuant to this Ordinance shall be subject to the following additional requirements:

- A. Any approval issued hereunder is not personal to the applicant and shall be deemed to run with the land.
- B. Building permits issued in connection with any part of an approved alteration, replacement or restoration of a nonconforming use shall be issued only on the basis of the approved plan.
- C. Any proposed changes in connection with an approved plan shall be processed as a new application subject to the provisions of this Section and in accordance with the applicable application procedure set forth in Section 1301.
- D. Any alteration, replacement or restoration of a nonconforming use approved hereunder shall be null and void one (1) year from the date it is granted unless completion or substantial construction has taken place. The Director may extend the approval for an additional period not to exceed one (1) year upon receipt of a written request from the applicant demonstrating good cause for the delay and provided that the request to extend approval is received by the Director prior to expiration of the original approval.

1205.06 Change of Ownership or Occupancy, or Discontinuation of a Nonconforming Use.

A change of ownership or occupancy of a nonconforming use shall be permitted. If any nonconforming use is discontinued for a period of one(1) year, the nonconforming use shall not be resumed and any subsequent use of the property and structure involved shall conform to the requirements of this Ordinance. The change of any nonconforming use to a permitted use shall constitute discontinuance of the nonconforming use.

1205.07 Changes in Certain Nonconforming Uses Subject to Conditional Use Permit.

Any nonconforming use or structure which is allowed as a conditional use in the particular zoning district under the terms of this Ordinance shall be allowed to continue; however, no alteration, restoration or replacement of such a use or structure shall be permitted unless the appropriate conditional use permit is first obtained. Upon approval of such a conditional use permit, the use shall no longer be considered a nonconforming use, but shall be considered a conforming conditional use subject to any and all conditions of approval. In the event that such a conditional use application is denied, the use shall revert to nonconforming use status, and may be continued as it existed before the application was made.

1205.08 Compliance with Conditions.

Compliance with conditions imposed in granting a permit for alteration, restoration or replacement of a nonconforming use and adherence to the approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance. The Commission may revoke any permit issued hereunder for failure to comply with any prescribed condition of approval, or for any other violation of this Ordinance.

1205.09 Revocation of a Permit for Alteration, Restoration or Replacement of a Nonconforming Use.

The procedure for the revocation of a permit for alteration, restoration or replacement of a nonconforming use shall be as follows:

- A. If, upon review by the Director, a violation of any condition imposed in granting the permit is found, the Director shall inform the applicant by registered letter of the violation and require compliance within ninety (90) days.
- B. If the violation is not corrected, the Director shall inform the Commission of the violation, and shall provide sufficient data to demonstrate the nature of the violation. The Director may then set a hearing date on the violation.

- C. At least ten (10) days prior to the public hearing, the applicant shall be notified by registered letter of the public hearing. In addition, all persons notified of the original application and all who testified at the original hearing shall be notified by regular mail.
- D. The Commission shall conduct a public hearing pursuant to the requirements of Section 1402, and shall determine whether the permit shall be revoked.
- E. Upon a determination by the Commission that a violation has occurred, the Director shall notify the applicant by registered mail and shall forward the determination to the Board pursuant to Section 1406 for enforcement.

1206. SIMILAR USES

1206.01 **Purpose and Scope.**

The purpose of this Section is to provide for those uses not specifically listed in a particular zoning district but which are similar in character, scale and performance to the permitted uses specified therein. Those zoning districts in which a similar use may be authorized are:

- | | | |
|----|----------------------------------|-----|
| A. | Parks, Recreation and Open Space | PRO |
| B. | Recreation Commercial | RC |
| C. | Neighborhood Commercial | NC |
| D. | Highway/Tourist Commercial | HC |
| E. | Resource Industrial | RI |
| F. | Light/General Industrial | LI |
| G. | Heavy Industrial | HI |
| H. | Public Assembly Institutional | PAI |

1206.02 **Review Criteria.**

A similar use may be authorized pursuant to subsection 1206.01 above and subject to the Type A application procedure set forth in Section 1301 and provided that the applicant demonstrates that the proposed use satisfies the following criteria:

- A. The use is consistent with the purpose and scope set forth in subsection 1206.01 and with the purpose of the underlying zoning district; and
- B. The use conforms with the applicable standards and limitations of the underlying zoning district.

1206.03 **General Requirements.**

Any similar use authorized pursuant to this Ordinance shall be subject to the following additional requirements:

- A. An authorized similar use is not personal to the applicant and shall be deemed to run with the land.
- B. Where the granting of a similar use is contingent upon an amendment to this Ordinance and an application for such amendment has been recommended for approval by the Commission, the Commission may authorize the granting of a similar use contingent upon the necessary final action of the Board in respect to the required Ordinance amendment, and further action by the Commission shall not be necessary.

1206.04 Record of Determination.

Unlisted uses which the decision-making body has determined to be similar to the permitted uses in the underlying zoning district shall no longer require a similar use permit and shall be considered as permitted uses in the applicable zoning district.

1207. AMENDMENTS

1207.01 **Purpose and Scope.**

The purpose of this Section is to describe the general requirements and criteria to be considered in reviewing an application for an amendment to this Ordinance. An amendment may be made to the text of this Ordinance or to the Official Zoning Map. An amendment may be processed in either a legislative or quasi-judicial manner, as follows:

- A. Legislative amendments may only be made for the establishment of policy. Such an amendment may be initiated only by the Board, the Commission, or the Director. An owner of land may petition the Board, the Commission, or the Director to initiate such an amendment, but may not initiate the amendment by making such an application. Such amendments shall be made only by the Board after review and recommendation by the Commission and after public hearings have been held pursuant to Section 1402 of this Ordinance.
- B. Quasi-judicial amendments may only be made for the application of established policy to specific properties in the County. Such amendments may be initiated by the Board, the Commission, or by application of an owner of land. An application for an amendment by an owner of land shall be made in accordance with the Type C application procedure specified in subsection 1301. All quasi-judicial amendments shall be subject to the public hearing requirements of Section 1402.

1207.02 **Review Criteria.**

- A. An amendment to the text of this Ordinance shall be based upon a need for such an amendment identified by the Board, the Commission, or the Director. Such an amendment shall be consistent with the Comprehensive Plan, and with all other provisions of this Ordinance, and with any applicable state statutes and regulations.
- B. An amendment to the Official Zoning Map may be authorized, pursuant to subsection 1207.01, provided that the proposal satisfies all applicable requirements of this Ordinance, and also provided that the applicant demonstrates the following:

1. That the proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
2. That there is an existing, demonstrable need for the particular uses proposed for the property once the zone is changed, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand for any goods or services which such uses will provide and the presence or absence and location of other such uses or similar uses in the area;
3. That the proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve the proposed uses or other potential uses in the proposed zoning district; and
4. That there are no other lands in the County already zoned for the proposed uses, or, if there are such lands, that they are either unavailable or unsuitable due to location, size or other factors.

SECTION 1300
APPLICATION PROCEDURES

1301. SUMMARY OF APPLICATION AND REVIEW PROCEDURES

1301.01 **Type A, B and C Procedures.**

The review of applications received under the provisions of this Ordinance shall be conducted according to one (1) or more of the three (3) procedures described below:

A. Type A Procedure - Review by the Director.

Applications subject to an administrative decision by the Director shall be reviewed according to the following procedure:

1. Prior to filing an application, the applicant or his authorized representative shall meet and confer with the Director or an authorized representative of the Department of Planning and Development staff, in a pre-application conference to review requirements and concerns about the applicant's request;
2. The applicant shall submit an application to the Department of Planning and Development on a form prescribed by the Director;
3. Within fifteen (15) days of receipt of a complete application, or such longer period mutually agreed to by both the Director and the applicant, the Director shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance;
4. The applicant shall be notified in writing of the Director's decision and of the reasons for the decision; and
5. All decisions of the Director may be appealed to the Board if such an appeal is filed within fifteen (15) days from the date of the decision, pursuant to the provisions of Section 1404 for appeals.

B. Type B Procedure - Review by the Director with Notification.

Applications subject to an administrative decision by the Director which are also subject to public notification requirements shall be reviewed

according to the procedure described in subsection 1301.01(A), except that before any application may receive final approval the following additional procedure shall be followed:

1. Owners of land adjoining the subject property, and the appropriate Planning Advisory Committee, shall be notified of the application within thirty (30) days of its receipt. Others who may have an interest in the application shall be notified by publication in a newspaper of general circulation in the County. The Director shall have the right to provide written notice to such other persons as he deems appropriate. Those notified shall be given fifteen (15) days from the date of notification to submit a written request for public hearing. Unless a written request for a public hearing is received by the Director within fifteen (15) days from the date of notification, the application shall be reviewed according to the Type A procedure described in subsection 1301.01(A); except that the Director shall make a decision based on an evaluation of the proposal within ninety (90) days of receipt of a complete application, or such longer period mutually agreed to by the Director and the applicant.
2. If, within fifteen (15) days from the date of notification, the Director receives a written request for public hearing, the Director shall notify the applicant that he must pay an additional fee to cover the cost of the hearing and shall schedule a public hearing before the Commission or Hearings Officer, according to the Type C procedure described in subsection 1301.01(C) and in accordance with the public notice requirements of Section 1402. Once the applicant receives notification of a request for a hearing, the applicant shall have thirty (30) days to pay the appropriate fee or the application will be deemed to have been withdrawn. The fee mentioned herein shall not be required when the request for a hearing is from the Board, Commission, appropriate Planning Advisory Committee or the Director.

C. Type C Procedure - Public Hearing before the Commission or Hearings Officer.

Applications subject to public hearing before the Commission or Hearings Officer shall be reviewed according to the following procedure:

1. Prior to filing an application, a pre-application conference shall be conducted as described above in subsection 1301.01(A)(1);
2. The applicant shall submit an application to the Department of Planning and Development on a form prescribed by the Director;
3. Upon receipt of a complete application, a public hearing shall be scheduled and public notice mailed and published according to the public notice requirements contained in Section 1402;
4. The appropriate Planning Advisory Committee may hold a public meeting to review the application, and may make a recommendation to the Commission or Hearings Officer;
5. At the public hearing the County staff, Planning Advisory Committee, the applicant and other interested parties may present information relevant to the proposal, and may give reasons why the application should or should not be approved;
6. Within ninety (90) days of receipt of a complete application, or such longer period mutually agreed to by both the Director and the applicant, the application shall be approved or denied based on an evaluation of the proposal and applicable criteria as set forth in this Ordinance;
7. The applicant shall be notified in writing of the decision and of the reasons for the decision; and
8. All decisions of the Commission or Hearings Officer may be appealed to the Board, if the appeal is filed within fifteen (15) days from the date of the decision, pursuant to Section 1404 for appeals.

1301.02 Effective Date of Decision.

The effective date of decision is the date of recording of the final order or, if the decision is such that no order is to be filed, the effective date of decision is the date of the letter notifying the applicant of the decision.

1301.03 Reapplication.

If an application is denied, no new application for the same or substantially similar action shall be filed for at least one (1) year from the effective date of decision.

1301.04 Review by the Commission.

The Commission may, on its own motion, initiate review of any decision of the Director made pursuant to the review procedures of subsection 1301.01 if within fifteen (15) days of the decision, a request is received from one (1) or more members of the Commission for review of the decision and at the next regularly scheduled meeting of the Commission a motion is passed to review the decision. Review by the Commission shall be subject to Section 1404 for appeals.

1301.05 Review by the Board.

The Board may, on its own motion, order review of any decision made pursuant to the review procedures of subsection 1301.01 if such a motion is made within fifteen (15) days of the decision, subject to Section 1403 for Board review.

1301.06 Effective Date of Application.

Approval of any land use application, as provided for in the review procedures of subsection 1301.01, shall not be effective, and no development permits shall be issued, until the appeal period has elapsed.

SECTION 1400
ADMINISTRATIVE PROVISIONS

1401. **ADMINISTRATION**

1401.01 **Interpretation and Enforcement.**

The Board shall have the authority and duty to interpret and enforce the provisions of this Ordinance.

1401.02 **Conformance to Ordinance Requirements.**

All State, County and local officials, departments and employees vested with authority to issue permits, certificates or licenses shall adhere to and require conformance with the provisions of this Ordinance.

1402. PUBLIC HEARINGS

1402.01 Notice of Public Hearing.

Notice of any public hearing authorized or required by this Ordinance shall be published in a newspaper of general circulation in the County at least ten (10) days prior to the hearing date and shall be sent by mail at least ten (10) days prior to the hearing date. In addition, notice shall be served in accordance with the following provisions:

A. Amendments.

Notice for amendments to the text of this Ordinance or the Official Zoning Map shall be sent to all owners of land within two hundred fifty (250) feet of the subject property, and to the appropriate Planning Advisory Committee.

B. All other Applications Subject to Public Hearing.

Notice for all other land use applications provided for in this Ordinance which are subject to public hearing shall be sent to all owners of land adjoining the subject property, and to the appropriate Planning Advisory Committee.

1402.02 Continuance of Hearing.

A public hearing may be continued as is necessary to gather additional information on the application and no additional notice need be given if the hearing is adjourned to a time and a date certain, unless otherwise ordered by the hearings body.

1402.03 Rules Governing Public Hearing.

Any public hearing authorized or required by this Ordinance shall be governed by the Rules of Procedure for the Conduct of Hearings Relating to Land Use Matters approved by the Commission on the 12th day of March, 1974, and adopted by the Board on the 13th day of March 1974.

1402.04 Appointment of Hearings Officer.

The Board may appoint or designate one (1) or more qualified persons as Hearings Officers, who shall have

the authority to conduct any public hearing authorized or required by this Ordinance.

1402.05 Ex parte Contact.

The Board, Commission or Hearings Officer shall not:

- A. Communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and with opportunity for all parties to participate;
- B. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless all parties are afforded an opportunity to contest the materials so noticed; or
- C. Inspect the property with any party or his representative unless all parties are given such notice as the Board determines to be fair and just.

1403. REVIEW BY THE BOARD

1403.01 Review by the Board.

Review by the Board at a public hearing shall be accomplished in accordance with its own adopted Rules of Procedure and the requirements of this Ordinance. The Board may continue its hearing to gather additional evidence or to consider the application more completely. Unless otherwise provided by the Board, no additional notice need be given of continued hearings if the matter is continued to a time certain.

1403.02 Notice Requirements.

Notice of hearing and a record of the proceeding shall be the same as required for initial hearings on proposed actions as provided in Section 1402.

1403.03 Review on Record.

Unless otherwise provided by the Board under subsection 1403.04, the review of the decision of the Director, Commission or Hearings Officer by the Board shall be confined to the record of the proceeding, which shall include:

- A. All materials, pleading, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the Director, Commission or Hearings Officer as evidence;
- B. All materials submitted by the Director with respect to the application;
- C. The transcript or tape of the public hearing of the Commission or Hearings Officer;
- D. The findings and action of the Director, Commission or Hearings Officer and the notice of review; and
- E. Argument confined to the record by the parties or their legal representatives at the time of review before the Board.

1403.04 De Novo Hearing.

The Board may, at its option, whether or not upon a motion of a party, hold a de novo hearing or admit additional testimony and other evidence with or without holding a de novo hearing, if it is satisfied that the testimony or other evidence could not have been presented upon initial hearing and action. In deciding such admission, the Board shall consider:

- A. Prejudice to parties;
- B. Convenience of locating the evidence at the time of initial hearing;
- C. Surprise to opposing parties;
- D. When notice was given to other parties as to the attempt to admit; and
- E. The competency, relevancy and materiality of the proposed testimony and other evidence.

Upon a decision to admit additional testimony or evidence or to hear the entire matter de novo, the presentation of such testimony and evidence shall be governed by the procedures applicable to the presentation of such matters at the initial hearing.

1403.05 Board Action.

The Board may affirm, modify or reverse all or part of the action of the Director, Commission or Hearings Officer, or may remand the matter to the decision-making body for additional review or information. In all cases the Board shall make findings to justify its action which are based upon the record before it and any additional testimony or other evidence it receives.

1404. APPEALS

1404.01 Appeals from Decisions of the Planning Director.

Where it is alleged that there is error in any order, requirement, decision or determination made by the Director in the interpretation of this Ordinance, an appeal therefrom may be made by an affected party only to the Board on a form prescribed by the Director. Such written appeal shall be filed with the Director within fifteen (15) days of the decision on a proposed action and shall be accompanied by the appropriate filing fee. Upon receipt of a complete appeal request, a public hearing before the Board shall be scheduled and public notice mailed and published according to the public notice requirements contained in Section 1402. An affected party who has had an opportunity to request a hearing, pursuant to the Type B application procedure as set forth in Section 1301, and has not so requested a hearing, shall have waived his right to appeal the decision of the Director to the Board.

A. Board Action.

In hearing and deciding such an appeal:

1. The Board may affirm, modify or reverse all or part of the action of the Director so long as such action is in conformity with the Ordinance;
2. The Board shall make findings based on the testimony or other evidence received by it as justification for its action; and
3. The Board, on its own motion, may order review of any decision of the Director within fifteen (15) days of the decision, pursuant to Section 1403 for Board review.

B. Commission Action.

The Commission, on its own motion, may order review of any decision of the Director within fifteen (15) days of the decision, pursuant to subsection 1301.04. The decision of the Commission shall be final unless appealed to the Board.

1404.02 Appeals from Decisions of the Commission or Hearings Officer.

Where it is alleged that there is error in any order, requirement, decision or determination made by the Commission or Hearings Officer, an appeal therefrom shall be made by an affected party only to the Board on a form prescribed by the Director. Such written appeal shall be filed with the Director within fifteen (15) days of the decision on a proposed action and shall be accompanied by the appropriate filing fee. The Board, on its own motion, may order review of any decision of the Commission or Hearings Officer within fifteen (15) days of the decision, pursuant to Section 1403 for Board review.

1405. FORMS AND FEES

1405.01 **Forms.**

Petitions, applications and appeals provided for in this Ordinance shall be made on forms prescribed by the Director. Applications shall be accompanied by plans and specifications, drawn to scale, showing the area and dimensions of the parcel to be used or developed; the sizes and locations on the parcel of existing and proposed structures; the intended use of each structure; the number of dwelling units, if any, to be accommodated thereon; the relationship of the lot or site to adjacent and surrounding lands; and such other information as is needed to determine compliance with this Ordinance.

1405.02 **Filing Fees.**

For the purpose of defraying expenses involved in processing applications, fees shall be paid to the Director in favor of Yamhill County upon the filing of an application. Said fees and the amounts thereof shall be established by order of the Board. All fees shall be nonrefundable except when an application is withdrawn or deferred prior to the preparation, publication and issuance of any public hearing notice. Refunds shall be made at the authorization of the Board. Upon recommendation from the Director or the hearings body or upon its own motion, the Board may waive, for just cause, any filing fee established by this Section.

1406. REMEDIES FOR UNLAWFUL STRUCTURES OR LAND USE

1406.01 In the event a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is, or is proposed to be, used, in violation of an Ordinance or regulation designed to implement the Yamhill County Comprehensive Plan, the governing body of the County or a person whose interest in real property in the County is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.

1406.02 No person shall locate, construct, maintain, repair, alter, or use a building or other structure or use or transfer land in violation of this Ordinance or any ordinance lawfully adopted by Yamhill County.

Lead writer of this document was Mike Brandt. Staff involved in the initial review were Bill Campbell, Maggie Collins, Martin Chroust-Masin, Sam Lowry and Dave Bishop, with assistance from Daryl Garrettson, County Legal Counsel.

The Board of Commissioners was then briefed on the staff draft.

The draft was then submitted to a special group composed of two members of each of the County's eight Planning Advisory Committees, who spent several meetings reviewing the text.

Subsequently, a refined draft was sent to all members of the County's eight Planning Advisory Committees for review and comment.

After these review sessions, the County Planning Commission reviewed the draft and recommended that the draft be adopted by the Board of Commissioners.

The Board of Commissioners adopted Ordinance No. 310 on December 1, 1982.

Format and Illustrations were rendered by Martin Chroust-Masin.

Word Processing was done by Gloria Banks and Debra Helner.